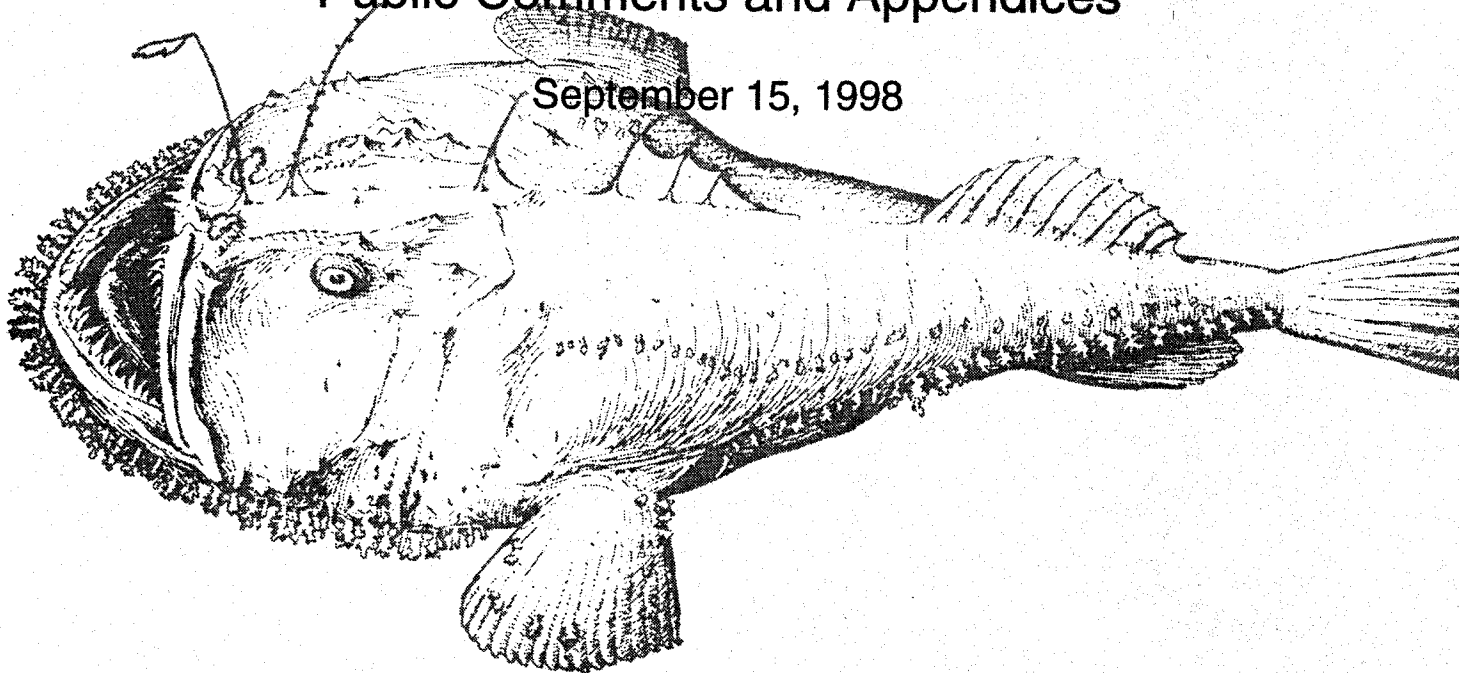


# MONKFISH FISHERY MANAGEMENT PLAN

## Volume II

### Public Comments and Appendices

September 15, 1998



Prepared jointly by the  
NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
and the  
MID-ATLANTIC FISHERY MANAGEMENT COUNCIL  
In coordination with the  
NATIONAL MARINE FISHERIES SERVICE

Draft Submitted: February 20, 1997  
Final submitted: September 15, 1998  
Final rules published:



## 12.0 PUBLIC COMMENTS

### 12.1 Scoping Hearings

#### 12.1.1 Warwick, RI – February 11, 1993

About 25 participants attended the monkfish scoping hearing on February 11, 1993. Directed monkfish fishermen, fishermen who catch monkfish as by-catch, fish processors, industry associations, state directors, NMFS staff, council staff, and council members were represented. Chairman Tom Hill, Richard Allen, Phil Coates, and Jim McCauley of the Monkfish Oversight Committee were in attendance.

Andy Applegate, New England council staff, briefed participants on the scoping document and on what is currently known about the resource and its fisheries. Domestic landings have increased substantially through the 1980's, and now approach 11 million pounds of tails. Seventy to eighty percent of the catch is made as a by-catch of other species. Recent directed fishing effort has increased by trawling in deep water and by coastal gill netting. The NMFS research surveys show no significant trends in abundance. They do, however, show significant declines in average size, especially in areas to the west and south of Georges Bank. Fourteen suggested management alternatives and two plan options were reviewed.

Much of the ensuing discussion focused on a minimum fish size restriction because it appeared to be the most feasible and had the potential for significant conservation benefits. A 12-inch tail limit was largely supported because participants felt that it would not severely impact the landings of marketable fish and it roughly equated to the size when 50% of monkfish are mature. The mortality of discarded fish appeared to be uncertain, but fishermen testified that concentrations of small fish were avoidable. Comments were made that larger size limits would create incentives for a 'black market' and would probably result in excessive discarding.

Other supported alternatives included maintaining an open access fishery as an alternative for fishermen forced from the groundfish and scallop fisheries. It was felt that an open-access, directed fishery would require a larger mesh to increase escapement of immature fish. Mandatory data reporting was supported, as were the permits necessary for effective administration of the fishery.

The other measures suggested within the scoping document were not supported because it was felt that they would not be feasible or would be ineffective. In particular, closed areas might address concentrations of small fish but those areas are not readily identifiable in advance of a regulation. It was felt that quotas (including ITQs) would be difficult to justify and might be inappropriate given the poor knowledge of the size of the resource. Trip limits might only be useful in defining a by-catch vs. directed catch, rather than controlling the directed fishery. A moratorium was opposed because it would restrict access to the resource by displaced fishermen. Effort restrictions were not felt to be necessary, but the effort restrictions on groundfish and scallops might have a beneficial effect by lowering the by-catch of monkfish. Market based

strategies were felt to be ineffective since the market for very small monkfish tails is currently limited.

Most of the participants urged relatively quick Council action to address the landings of small monkfish. They suggested that Council should develop management options that would have immediate conservation benefits in lieu of defining a comprehensive management strategy with precise objectives. Three mechanisms were suggested to allow rapid implementation of these strategies: 1) a monkfish amendment to a pre-existing plan to regulate the fishery through tail size and mesh regulations, 2) Council support to have states cooperatively implement a minimum tail size for landings, and 3) request emergency action by the Secretary of Commerce.



### 12.1.2 Philadelphia, PA – March 11, 1993

About 40 participants attended the monkfish scoping hearing on March 2, 1993. Directed monkfish fishermen who use trawls and gill nets, fishermen who catch monkfish as by-catch, fish processors, industry associations, state directors, NMFS staff, council staff, and council members were represented. Chairman Tom Hill, Anthony DiLernia, John Mason, and Bruce Freeman of the Monkfish Oversight Committee were in attendance.

Andy Applegate, New England council staff, briefed participants on the scoping document and on what is currently known about the resource and its fisheries. Domestic landings have increased substantially through the 1980's, and now approach 11 million pounds of tails. Seventy to eighty percent of the catch is made as a by-catch of other species. Recent directed fishing effort has increased by trawling in deep water and by coastal gill netting. The NMFS research surveys show no significant trends in abundance. They do, however, show significant declines in average size, especially in areas to the west and south of Georges Bank. Fourteen suggested management alternatives and two plan options were reviewed.

Chairman Hill opened the discussions by requesting comments on overlooked options and information. It was noted that the scoping document had no information concerning monkfish resources and management policies in foreign nations, especially in Europe. These nations have fished on monkfish for a considerably longer period and probably have management programs in place.

It was also noted that the scoping document did not address the processing and marketing of livers as a separate product from the tail meat. It was suggested that a fixed limit defined by proportional weight should be used to discourage harvesting livers and discarding illegal fish if a size limit were implemented. Participants felt that the livers from monkfish having 8-9 inch tails have considerable value. In their experience, they found that the proportion of livers to tail weight ranged from 20 to 30 percent, varying seasonally. Since the livers are carried in bags or tubs, they felt that enforcement of a limit based on numbers of livers would be impossible.

One commenter noted that the document omitted information on the gill net fishery that occurs in late fall and early winter off NJ. Some of this fishing effort occurs within state waters and offers an alternative to sturgeon fishing which has been restricted by NJ, and therefore they would like to see this effort increase if allowable under the limits of the resource.

The most advocated option within the document was the minimum size. Some commenters suggested a 12" tail limit with a 10% tolerance by weight or number of tails. While they recognized that discard mortality would reduce direct benefits from a minimum size, the participants felt that the benefits would come mainly from re-directing effort away from areas having high concentrations of small fish. It was asked if the Council had information on tagging programs to define stocks and migration patterns. They felt that a tagging program would be helpful.

Most of the participants urged relatively quick Council action to address the landings of small monkfish. There was some sensitivity expressed on attaching monkfish to the Multispecies FMP as an amendment, in part due to the needs of Mid-Atlantic fishermen being ignored in previous Multispecies FMP amendments. They felt that the resource potential and fishery variety

warrants a separate plan. After further discussion, there was a consensus that a monkfish amendment to the Multispecies FMP was desirable if it quickened the process, provided that a separate, comprehensive FMP were not prevented in the future.

## **12.2 Public Hearings**

### **12.2.1 Portsmouth, NH – February 24, 1997**

Mr. McCauley began the meeting at 7:10 pm by reviewing the amendment process and the major issues in the amendment. Mr. Applegate gave a brief review of the measures in the three management alternatives.

Council members present at the hearing included: Jim McCauley, John Nelson, Barbara Stevenson, John Williams, and Eric Anderson. Council staff attendees included: Paul Howard, Chris Kellogg, and Andy Applegate. Twelve people were in the audience.

**Eric Anderson**, a gillnet fishermen, recognized that this FMP has taken time to develop because of the complexity of the problem and the large scope of fishery. His main concern is that the amendment does not mention a target level of gillnets per vessel, for example 80 nets. The proposed limit, on the other hand, does not reflect a reasonable gear cap for monkfish effort in the northern area. Gillnet fishermen often use more nets than is proposed in the draft amendment. He believed that the recommendation may have come out of Mid-Atlantic where 80 nets might be more appropriate. There are regional differences in the fisheries, he stated, that the Councils may want to take into account. The Councils should consider higher net limits to mirror the current gillnet usage, reflective of 1 tag per net or 160 nets.

There might be enough information about how the fishery is prosecuted in the northern area. Management would effectively limit monkfish mortality at 1 tag per net in the northern region of the fishery. One facet is that all the measures, is that the gn sector is the only one that is under a gear restriction. If the Councils adopt a 160 net limit, the gear limit would restrict mortality in a way that is not used for other gear sectors. The limit should be more reflective of how the gillnet fishery is prosecuted in the northern end of the range. Eighty nets is prohibitively low for fishermen to target monkfish. It may, however, be appropriate for the southern range of the fishery.

Soak time is probably extended in most of the fishery's range, but with a 12 inch mesh, the bycatch is well below the 5% level, even under a 2-3 day soak time. Groundfish bycatch is well below the 5% level on trips he observed. He stated that the extended soak time does not add to groundfish mortality. The large mesh gillnet fishery is a dedicated monkfish fishery with little bycatch. The extended soak time causes no additional discard problems and there is a well-established market where buyer is completely satisfied with the product at these trip lengths. Eighty nets is down at the lower end of current usage

**Tony Markee (sp?)**, a gillnet fisherman, said that the soak time varies by season: 3-4 days maximum in the summer, while trips in the fall are somewhat longer. When the water temp is greater than 50°F, the soak times average 3-4 days, but in winter the nets can be set up to 5 days between hauls.

He said that the large mesh nets with 10, 11, or 12-inch mesh has the about the same bycatch, regardless of mesh size. Fishermen targeting monkfish also catch maybe a basket of dabs. He emphasized that the net tags, when they are designed, would have to be very sturdy to stay on the nets while in use. The way in which the tags are used will be very tricky. He believed that alternative 4 would probably be better for him because he would get additional days to target monkfish over and above the multispecies days-at-sea..

**Alan Vangeller** (sp?) , primarily a gillnet fisherman, stated the he doesn't like any alternative. He sees lots of contradictions and inequities in all the proposals. He felt that the Councils are proposing too many regulations on fisheries that contribute a small proportion of mortality. On page 2, he pointed out a disparity between cuts in landings between the northern and southern fisheries in the year 2002. He calculated that the southern fishery would only be cut back by 50 percent, while there would be a larger cut in the northern fishery. The numbers don't add up. For other management policies, everyone has to take an equal cut. For monkfish, the northern fishery is primarily a trawl and a gillnet fishery. The northern fishery has less discards than the scallop fishery in the southern region where scallopers contribute to 59 percent of the total landings.

On page 3, he asked, why is there is no defined fishing target in the northern area like there is in the southern area. The vessels in the northern area never landed monkfish until the mid-1970s. The document makes several mentions of selectivity of monkfish, but says that monkfish selectivity is unknown. Doesn't know of any scientific data, but in the examples says that gillnetters do not catch a lot of small fish, which indicates that there is size selectivity by the fishery. He cited cases where shrimpers and the gillnet industry overcame bycatch problems on their own when they have been asked to reduce their bycatch of groundfish and marine mammals. He thought that the alternatives gives scallopers a protected fishery for monkfish.

He didn't see why monkfish has to be regulated as a multispecies. Many vessels invested in monkfish gear to get out of the groundfish fishery, he pointed out. Lets have two different programs, harvested in different ways. In the alternatives, scallopers would not count days if they use 10-inch mesh. Why should others have to use their days when they target monkfish?

He is opposed to the individual days at sea for the fishery. Everyone should have the same base number of days. This system rewards the more active vessels, and penalizes the more conservative fishermen. He emphasized that monkfish should not be regulated under ms.

Commenting on net limits, he said he was not familiar with the fishery, but he knew that most fish more than 200 nets because of the long soak aspect. The 80 net limit would be a considerable reduction. Net tags would have to be used for monkfish and groundfish together, and this is not right. Most vessels don't catch 50,000 pounds of tails per year. He urged the Councils to adjust criteria for vessels that have legitimately targeted monkfish. Maybe the one pound criteria is the way it should be. He would like to see that some people who legitimately targeted monkfish should qualify. Perhaps by mesh size in use, but the fishermen may not meet the numbers for the criteria.

He believes that the net limits creates biased management because scallopers and trawlers are not limited on the number of nets. Why should gillnetters be signaled out? The regulations signal out a sector of the fishery that has a very small contribution to mortality. Make the industry come up with a solution, he suggested.

He couldn't suggest a number for the qualification criteria. He said that he does not target monkfish, but has he gillnetted for monkfish in the past. Some gillnetters have exited the groundfish fishery to target monkfish, but they wouldn't meet the 50,000 pound criteria. Otherwise, he thought the proposals appear to be status quo for the other guys

He agreed that gear selectivity should be an important consideration when the Council makes their final decisions.

**Maggie Raymond**, Associated Fisheries of Maine Groundfish Group, noted that one of the objectives is to limit fishing mortality on small fish. She asked, is that a problem? She also noted that the TALs are

targets and could be adjusted via framework. Could they be lowered? On page 31, she suggested adding comments on minimum sizes in the handout, requesting comments on that specific issue. Minimum size would cause huge economic losses in Maine, she stated. Also, the minimum size limits don't match up with the mesh size, especially for 6-inch mesh and not even for 12-inch. The Councils should also seek input on specific closed area information, since scientific data was lacking in this regard. What are appropriate areas that the Councils should consider?

**David Goethel**, a day boat dragger (FV Dave and Dianne), said he had a hard time figuring these alternatives out. He would, therefore keep his comments general until there are less permutations that could come out of it. He had no preference for any one of the alternatives. Since he would not qualify for limited access, the preferred alternative doesn't matter. He thought that there should not be a season and vessels should be able to catch monkfish year around. Regulatory discards are a major concern to him, since monkfish survival is very, very low. The larger the monkfish, the better the chance for survival. He has observed that small monkfish have a poorer chance for survival because they get damaged in the net. He urged the Councils to be very cognizant of regulatory discards. The minimum size to keep fishermen away from small fish is a good idea. An 11-inch tail is a good marketable size, but 14-inches would create too many discards. Exempted fisheries is used in a lot of different ways and he asked for clarification. On page 13, the possession limits for exempted fisheries varied between 10 percent in some places and 0-10 percent in others, and some at 0 percent. He recommended against a zero possession limit, but should they be a low amount. If monkfish were a regulated groundfish in alternative 3, he was afraid that the possession limit for other vessels would be zero. He would prefer possession limits that are no more than 10 percent or 200 pounds, whichever is less.

Landings go back to 1988, he noted, and problems have started within the last 5 years, coinciding with the rise of the directed fisheries. Those fisheries should be ratcheted down more than the bycatch, since they were the latest fisheries to develop.

**Barabara Stevenson** said that the proposed size limit is likely to create high amounts of discarding. She also supported highlighting the proposed size limit to seek public comment.

The 25 percent ration for livers to tails is a high percentage. By size, the highest ratio between livers and tails is for fish between 11-12 inches. With a larger minimum size, she thought that the Councils should consider lowering the liver to tail ratio.

**Maggie Raymond** - There should be information about when spawning occurs and the closed areas could be considered during those times.

**Eric Anderson** - Alternative 3 on page 10 bullet six, shows that a certified fishery for monkfish would coincide with existing groundfish closures. Is that what monkfish need biologically, he asked? Does this make sense for monkfish? He thought that the closed areas and seasons should be more carefully considered for monkfish.

**Lee Smith**, a gillnet fisherman, is oppose 80 net cap. The net limit would be unfair to fleet sector. Boats would switch over to groundfish in response to the restrictive monkfish net limits. A more appropriate limit, he suggested, would be 160 nets.

**Eric Anderson** said that he is curious about the public hearing comments on how the fishery operates in the different areas. He will be interested on how the comments compare across regions.

The public offered no more comments and Mr. McCauley closed the hearing at 8:55 p.m.



NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
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## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: February 24, 1997 LOCATION: Urban Forestry Center, Portsmouth, NH

CERTIFIED BY: *Andy Applegate*  
PLEASE PRINT

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
<i>Jim McCauley</i>		

*Andy Applegate*

*John Williamson*  
*Ed. [unclear]*  
*John Nelson*  
*Paul Howard*  
*Chris Kellogg*

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ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: February 24, 1997 LOCATION: Urban Forestry Center, Portsmouth, NH

CERTIFIED BY: *Ch J. Applegate*  
PLEASE PRINT

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
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<u>Howard M. Stickleland</u>	<u>163 Stevens Hill Rd Nottingham NH</u>	<u>463 5874</u>
<u>Pete Lagerstrom</u>	<u>19 Birch Rd Hampton N.H</u>	<u>926-4652</u>
<u>Randy Deane</u>	<u>10 Edgemoor drive Kings NH</u>	<u>926-7603</u>
<u>Myra Raymond</u>	<u>AFM Groundfish Group Portland ME</u>	
<u><i>[Signature]</i></u>	<u>Portsmouth</u>	
<u>Bonnie Spinazzola</u>	<u>Gen. B.D. Smith Harbor Pl. Plsmth</u>	<u>433-1467</u>
<u>Janice Plante</u>	<u>Commercial Fisheries News</u>	<u>(607) 277-5355</u>
<u>Ed Delaney</u>	<u>N.H.F.C.A.</u>	<u>603-431-1719</u>
<u>Dwain Goethel</u>	<u>23 Ridgeway Terr Hampton NH</u>	<u>603-926-2165</u>
<u>Pety King</u>	<u>Madame + O'Brien way</u>	<u>603 621 0000</u>
<u>Lee Haver</u>	<u>222 Kensington Rd</u>	<u>603-926-7177</u>



### **12.2.2 Ocean City, MD – February 26, 1997**

Mid-Atlantic Council member Anthony DiLernia and New England Council staff-member Andrew Applegate were present.

There was no public attendance. Mr. DiLernia adjourned the hearing at 7:45 p.m.



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## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing  
DATE: February 26, 1997 LOCATION: Sheraton Fontainebleau, Ocean City, MD  
CERTIFIED BY: *[Signature]*

PLEASE PRINT

Name  
Andy Applegate

Mailing Address

Telephone

*Tony DiIorio*

*MAFMC*

NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
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617/231-0422 FTS: 617/565-8457

ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing  
DATE: February 26, 1997 LOCATION: Sheraton Fontainebleau, Ocean City, MD  
CERTIFIED BY: [Signature]

PLEASE PRINT

Name

Mailing Address

Telephone

No Attendance

### **12.2.3 Norfolk, VA – February 27, 1997**

Mid-Atlantic Council member Anthony DiLernia and New England Council staff-member Andrew Applegate were present.

There was no public attendance. Mr. DiLernia adjourned the hearing at 7:40 p.m.

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97-15

## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: February 27, 1997

LOCATION: Doubletree Club Hotel, Norfolk, VA

CERTIFIED BY: 

PLEASE PRINT

Name  
Andy Applegate

Mailing Address

Telephone

Thay D. Louie

Ms. Frie

No public Attendance

#### 12.2.4 Nags Head, NC – February 28, 1997

Mr. DiLernia, a member of the Mid-Atlantic Fishery Management Council, started the meeting at 7:00 p.m., giving a brief introduction of the proposed alternatives. Following the introduction, Mr. DiLernia opened the floor to questions from the audience. Mr. DiLernia and New England Council staff-member Andrew Applegate were present. Fifteen members of the public were in the audience. In response to Mr. DiLernia's question, only five of the fifteen said they received prior notification of tonight's meeting. Jim Fletcher added that the document was mailed to him on February 14<sup>th</sup>, but he only received it on February 28<sup>th</sup>.

**Jim Fletcher** (United National Trawler Association): NC gillnetters do not have multispecies days at sea and would have to qualify for monkfish limited access. He noted that the document states that the Southern Fishery Management Area (SFMA) ends at the NC/VA border., but that the monkfish stock occur south as far as Cape Hatteras, and possibly further south. The management program infers fish migrate north and south. He asserted that there is no scientific evidence that the fish migrate over extensive differences. Therefore, management is not necessary for monkfish in NC.

**Bill Foster** (NC Fisheries Association): He finds it difficult to read and comment on something he has seen. Another member, Rick Marks, read the document earlier and prepared comments that Mr. Foster would like to read. Mr. Marks' statement follows the meeting summary.

**Andrew Karanozinsky** (monkfish gillnet fisherman from Cape May): Regarding the NC/VA border, every other fishery goes to Hatteras. Mr. DiLernia stated his impression that this definition is an error and the amendment would include the entire stock of monkfish, including those occurring off of NC. He will ask that issue be discussed by Council members. Mr. Karanozinsky said that the water controls the fishery. He agrees with the 80 net limit and supports the 12-inch mesh. The mesh should be no smaller than 12-inches, but 14-inches is too large.

He believes that the quotas are based on surveys in the 1960s and 1970s. At that time, scallopers caught monkfish then but discarded them. He supports the 14/21-inch size limit. Sometimes he fishes in a slough and he catches large fish there. He can move 5 miles outside of this area and catches mainly small monkfish. Gillnets with 12-inch mesh catches fish down to 20 to 21-inch monkfish. Areas with small fish cannot be consistently identified, he believes. Normally, he sets gear for 2 to 3 days. When he releases the undersized fish, they swim away from boat after discarding. Sometimes he fishes between Cape May and Atlantic City, NJ, but he often has a problem with sea lice there.

If the Council chooses the qualification criteria of 2490 pounds (whole weight) for 15 trips, several boats will not qualify because they fish for monkfish only in November and December. They usually land about 1,000 pounds whole weight per trip and only fish about 5 miles out. He believes that the Councils should change the qualification criteria to include small vessels that target monkfish. Lately, he has seen two boats from Boston fishing off of NJ with 1000 nets, 400 and 600 per boat. He supports the 80 net limit for gillnetters.

**Tom Danchise** (NC monkfish gillnet fishermen) added that the net shops do not stock webbing. Under the proposed criteria, he would not be able to get a monkfish permit. He wants the right to fish in his backyard. When he began fishing for monkfish in 1996, he was not aware of control date because he has no other federal permits. He asked when will he know if would get a permit. There are less than 10 vessels in the NC monkfish fishery, and nobody was aware of the control date. Everyone fishes seasonally for monkfish.

**Mr. Fletcher** emphasized that the Councils cannot extend the control date down below the NC/VA line. He has informed others that monkfish limited access would not affect NC vessels, based on what he was told at meetings. If there is limited access in NC, there should be a different control date. **Mr. DiLernia** said that he will ask the staff to review the control date notice to see if it only applies from VA to ME.

**Mr. Karanozinsky** said that the monkfish amendment would not apply in 2-3 years. He felt that it would be withdrawn like the lobster plan because of differences between the Mid-Atlantic and the New England Councils. He predicted that they will have difficulty agreeing on monkfish.

**Mr. Danchise** asked about the closed spring season and where the support for the season occurs. He opposes a spring closure, because it would not allow for a directed fishery in NC.

**Mr. Karanozinski** added that the fall fishery lasted for 2-3 weeks before the fish left. Many times the season was shortened by storm conditions. He agrees that fall fishing is better, but he gets the same price for whole monkfish all year. The price does not vary seasonally, but the liver price fluctuates.

He attended the monkfish committee meeting in Cape May Court House last year to discuss the qualification criteria. He does not have a multispecies permit. He doesn't know how many days he would receive under the alternatives.

**Peter Morse** (monkfish gillnet fisherman and Gillnet Defense Fund Association member): Alternative 3 is the least problematic for him because he has a multispecies permit. Recently, he has been fishing in the Mid-Atlantic to avoid using multispecies-days at sea to target monkfish and to build his monkfish history. The multispecies regulations are forcing him to fish far to the south, and it is ridiculous to require him to report days at sea to target monkfish in the Mid-Atlantic.

**Mr. Karanozinsky** uses heavier twine to reduce the bycatch of crabs, not to let the gear set 2-3 days as indicated in the document.

**Bill Foster** asked when would a NC representative be appointed to the MAFMC. He asked if the Governor had submitted nominees.

**Mr. Fletcher:** For the scallop trawlers, the management actions in other fisheries are causing a lot of waste. In the fluke fishery, whether they bring 5,000 or 400 pounds in, the vessels catch monkfish is a bycatch. The proposed trip limits would create discards of non-target species. All the quota fisheries are operating independently and the quota closures are causing discards. The monkfish proposal is building in another set of wasteful regulations. He added that the data analyses do not take into account large scale fluctuations driven by the North Atlantic climatic oscillations.

**Mr. Karanozinsky** said that the Councils should consider a method to replace lost net tags quickly and accommodate the way the fishery operates.

No additional comments were offered and **Mr. DiLernia** closed the hearing at 8:40 p.m.



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## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: February 28, 1997

LOCATION: Holiday Inn, Nags Head, NC

CERTIFIED BY: Andy Applegate

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Mailing Address

Telephone

Name

Andy Applegate

Tony DiLeone

MAFMC

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ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: February 28, 1997 LOCATION: Holiday Inn, Nags Head, NC

CERTIFIED BY: *C. J. Applegate*

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ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: February 28, 1987 LOCATION: Holiday Inn, Nags Head, NC

CERTIFIED BY: R J Applegate

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Jim Sidwell	P.O.B. 45 Manns Harbor NC	27953
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### 12.2.5 Rockport, ME – March 1, 1997

The meeting was held at the Samoset Inn and chaired by Ms. Stevenson. Council Members present were Mr. Anderson and Mr. Williamson. Also present were Mr. Kellogg from the staff and Mr. Finlayson from Maine Dept. of Marine Resources. About 25 people attended the meeting.

Ms. Stevenson began the meeting at 10:00 a.m. by reviewing the amendment process and the major issues. Mr. Kellogg reviewed the measures in the three management alternatives. There were many questions about the proposed alternatives, the overfishing definition, management objectives and how they were developed. Most of the hearing was spent answering questions about the document with only a few comments about the proposed alternatives. The comments are summarized below.

Mr. Finlayson commented that the 14 inch minimum tail size may be appropriate to the southern area but not to the northern area.

Craig Pendleton stated that the minimum tail size would cause a very high level of discarding and a waste of fish. A 14-inch tail size forces fishermen to throw fish overboard and, therefore is not acceptable. The prevailing mess of management regulations makes the bycatch of small monkfish unavoidable. He expressed strong concern that fishermen would not be able to accurately determine whether a monkfish tail met the legal size requirements because of shrinkage and the difficulty in measuring a cut portion of a fish.

Maggie Raymond, Associated Fisheries of Maine, questioned whether the target TALs would be lowered. She opposed the minimum sizes because they did not match mesh sizes and would cause discards and suggested that the Council consider closed areas as an alternative.

John Riemer commented that minimum tail sizes were enforced in the Southern New England area.

An unidentified person commented that small boats would have a problem separating monkfish in their catch from other species for the purposes of complying with trip limits.

Pat Percy: (see attached written comments)

Bob Tetreault commented that the proposals were complicated and had the greatest potential for changing the behavior of the fishermen of any plans the Council has considered so far.

An another fisherman was concerned that the management process was controlled by the southern states. Several others expressed concern that a minimum tail size would cause discards of marketable fish.

The meeting ended at 12:15 p.m.



# ATTENDANCE SHEET

Part Percy	on file	
Charles S. Thompson	Port Clyde	
Ray L. P.	Port Clyde	
Roger E. L.	Port Clyde	372-8184
John W. L.	you got it	
Susan Jones	Commercial Fisheries News	
Janice Plante	Commercial Fisheries News	
Ellie Dossay	C/F	
Chaz A. Headleton	Portland Me	
Mary Raymond	AFM Groundfish Group	
Don Hansen	DFO HALIFAX	

## ATTENDANCE SHEET

ATTENDANCE AT: MONKFISH PUBLIC HEARING

DATE: March 1, 1997 LOCATION: Samoset Resort, Rockport, ME

CERTIFIED BY: \_\_\_\_\_

### PLEASE PRINT

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Barbara Stevenson*		

Chris Kellogg

Charles Saunders

Tommy Hooking EDF 37 Town Farm Rd Woolstock CT 06281 860-974-3527

CHARLES SAUNDERS MECA RR#5 Box 2472 Cundys Harbor, ME 04011

Elaine Muhl

2 Potted FRL Pen Rockport ME

Paul Johnson

F/V Seveca

ROBUELLS

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800/635/6097



### 12.2.6 Toms River, NJ – March 3, 1997

Mr. DiLernia started the meeting at 7:15 pm, giving a brief introduction of the proposed alternatives. Following the introduction, Mr. DiLernia opened the floor to questions from the audience. Two Mid-Atlantic Council members, Anthony DiLernia and Rob Winkle, and New England Council staff-member Andrew Applegate were present. Fifteen members of the public were in the audience.

**Martin Stulifson** (fisherman and dealer): How does NJ tie into the amount of landing? Does the state control the landings as opposed to the federal control of permits? Will the state have landings criteria of their own? His concern is that there might be different regulations like those for fluke (ie landings permit from state) that might apply to monkfish. Mr. DiLernia answered that NJ would not have its own quota for monkfish, unlike the management system for fluke.

**Jim Brindley**, (monkfish gillnet fisherman from Barnegat Light, NJ): Would the proposed net limit apply to both trip boats and day boats, in other words, both types would have no more than 80 nets? He favors the net limits for both categories.

**Danny Cohen** (monkfish dealer): He is confused about what alternative 3 includes. Will vessels with multispecies days at sea be able to target monkfish with groundfish (6-inch) gear. He believed that the multispecies vessels would be able to switch from their present trawls to monkfish gillnets when they start using their unused multispecies days-at-sea.

**Kevin Wark** (NJ directed monkfish gillnet fisherman and monkfish advisor): He supports alternative 3, but address the Councils must adjust the qualification criteria to allow for small boats in Mid-Atlantic. These vessels were involved in the early development of the directed monkfish fishery in NJ. These small vessels do not have multispecies permits. They tend the fishing gear every day and land small amounts of monkfish. Very few of their trips exceed the 750 pounds. The Councils could address this problem by having a qualification criteria that is 10 trips over 500 pounds for small boats. These boats seldom make big trips because they fishing every day.

Multispecies vessels should also have to qualify to use their multispecies days to target monkfish, so that the large number of latent days cannot be utilized to target monkfish. He supports the proposed net limit, 80 nets or 160 tags and 2 tags per net. The daily limit, 300 pounds for non-qualifying vessels under alternative 1, would be fair.

**Saul Phillips** (NJ monkfish dealer): He would like to know how the net limit would be enforced. Things that are proposed cannot be enforced, so the people that fish illegally make out better.

**Mr. Stulifson**: Only fishermen know what other fishermen are doing. He supports a program that would give reporting fishermen a reward for reporting illegal activity. How will fishermen be allowed to replace tags? He recommends that the program should allow fishermen to replace lost tags and nets as quickly as possible. He thinks the net limits could be enforced by a program of self-policing with an economic reward for fishermen that report violations.

**Mr. Brindley** agrees with the proposed net limits. Many fishermen are now putting out more nets to keep up with other guys in the fishery. He favors "self-policing" and reporting illegal activity. Reporting fishermen should get ten percent of the fine money.

He generally fishes less than 80 nets and does real good. But everyone is now going to 100 nets and a lot of it isn't even in the right spot. He said he does not want to see the 80 nets later go down to 40 nets, however. The cut back is being made now with these proposed alternatives.

In response to a question from Mr. DiLernia, Mr. Brindley said he brings in his nets during very bad weather (like a gale northeaster). His boats can carry all 80 nets to dock, no problem, on a 55 footer and a 39 footer. All the boats use net reels, but some do not have a big enough net reel to carry all the nets when the vessel fishes more than 80 nets. The New England guys have 100 nets out. They do not tend their nets as frequently as the local guys and this method of fishing is very wasteful. He is fishing less nets, but additional vessels coming into the fishery have increased total effort on monkfish there by three times compared to several years ago. One RI boat is fishing 20 miles of net. This type of fishing will turn a good fishery into a rat race.

Mr. Brindley likes alternative 3. Being able to fish for 88 days is better than a quota which would create a derby fishery, affecting the price. Alternative 1 would have a directed fishery quota, one boat could put a trawl on and land 1000 pounds per day at sea. He is therefore unsure how much quota a qualifying vessel would receive under alternative 1. Alternatives 1 and 4 are no good, he thought, because they would not treat everyone fairly. He doesn't want to leave the management system open for later days at sea or quota adjustments. Under alternative 3, he thought the days at sea for the entire fleet would need to be adjusted together.

He thinks that many one-man operations would not qualify under the 750 pound criteria, because many boats do not land that much on a trip. He suggests that the criteria for small vessels should be 500 pounds on 10 or more trips. Another method, he favors, would be a qualifying criteria based on the amount of tails caught in one week, such as 500 pounds or 750 pounds for the whole week. Few of these small boats will have 15 trips of 750 pounds and would be unable to qualify. These small boats have a history in the fishery and targeted monkfish since 1990. He cautioned the Councils that they should not disregard calls for lower criteria, because many directed monkfish vessels cannot catch 750 pounds. He suggested that the lower qualification criteria should be for gillnet vessels only. He supports separate qualification criteria by gear. Mr. Brindley said that these small vessels can operate on 200 pounds of tails per trip, landings that yield \$400 plus the price of livers. This is a meaningful amount of revenue for a small vessel.

He supports the 80 net limit, although he now fishes up to 120 nets at times. These net limits can be enforced via a call in system, but good management measures should not be abandoned because they cannot be enforced.

**Mr. Wark** supports option 3 for the qualification criteria. He noted that the one criteria for option 3 is only for vessels under 50 grt. He supports the lower criteria suggested by others, but only for small vessels.

**Mr. Cohen**, said he received the document a week ago, so he has not had time to review it thoroughly. He saw, however, on page 9, that a boat could qualify if it landed more than 50,000 pounds over the four year qualification period. He thought that this option would qualify some of the vessels, including some of the gillnet vessels. He saw that scallopers could land 5,000 pounds, but opposed the trip limit. He believes that vessels should be able to land whatever they catch. The trip limit would make scallopers take short trips when they are catching and targeting large amounts of monkfish. He thought that the Councils should not prohibit scallop vessels from targeting monkfish with scallop gear, because it is a traditional fishery. When scallops rebound, he believes that scallopers would not target monkfish with a healthy scallop resource. He emphasized that scallops and monkfish are landed together from the same

scallop trip. In his area, a scalloper would not catch 5,000 pounds of monkfish, no matter what when the vessels are scalloping.

**Mr. Stulifson** is concerned with NMFS policy about the use of latent multispecies permits. Making them qualify again to use their days for monkfish should not penalize the fishermen that have not fished in recent years for groundfish.

**Jim Lougren** (Pt. Pleasant, NJ fish dock and dealer, trawl vessel owner) has not had chance to review the plan. He favors a limit on nets used, because the number of nets have increased dramatically. Species by species management creates a problem because vessels seek alternatives, now dogfish and monkfish. The management program forces the vessel into unregulated fisheries. He favors integrating the management, and there should be a relief valve, more days at sea. The monkfish amendment should also contain a requirement that gillnetters place a highflyer every three nets. Many nets are not marked well, so that he does not know where the nets are located. This makes avoiding them difficult and his trawler cannot avoid getting into the net.

He also suggested that the plan should have measures to slow down the impact with marine mammals. He favors making gillnetters using large twine, like the 0.90 mm twine that gillnetters traditionally use in the Mid-Atlantic. Other vessels from New England are using 0.62 or 0.66 mm mesh.

Concerning the control date, Mr. Lougren thought the qualification criteria should allow the gillnet vessels to fish, but anyone that entered the fishery after the control date should not be able to qualify. He said that the management plan should not allow the latent effort to be redirected into the monkfish gill net fishery, but it is acceptable to allow them to trawl for monkfish with their latent days. Multispecies qualifiers should not be able to switch gear. He supports a small boat category for monkfish qualifiers, maybe 30 nets per vessel, or perhaps a 300-pound trip limit.

Mr. Lougren does not favor allowing scallop vessels to use a standard dredge to target monkfish. It is acceptable, on the other hand, to let them land their monkfish bycatch when they use a dredge. The bycatch allowance should be based on the percentage of the scallops that are caught. He believes that management should avoid letting boats target monkfish with their scallop gear. Increases in days are needed to keep the vessels from switching to other fisheries. Mr. Lougren supports integrating the plans so that vessels cannot switch to other fisheries in response to management changes.

A limit of 100 pounds per day for a dragger is acceptable for bycatch, with a maximum of 500 pounds per trip. Another option, he offered, is a limit based on a percentage of the target species. The offshore black whiting fishery has a substantial bycatch of monkfish. On a 2-day offshore whiting trip, it is common for vessels to have a monkfish bycatch of 1500 - 3000. On these offshore whiting trips, he uses 2¾-inch mesh nets. Some vessels may use 4-inch mesh, but they are not as effective for catching whiting.

When fishing for whiting, he works in 160 to 220 fathoms, the same depth as the monkfish vessels. Instead of the wide sweeps used by monkfish vessels, a whiting net only has a 70 to 80 foot sweep. He also supported the idea that vessels should not qualify to target monkfish with gillnet gear just because they have a multispecies vessel.

**Francis Puskas** (member of NJ Marine Fish Council) believes that the Councils should consider the unique character of the NJ fisheries, much different from the New England style of fishing. The Council should take this into account. The traditional fishery having small catches and small prices is now being turned upside down because more boats are getting into it. She advised that the Councils should not open it up to vast quantities with multispecies boats.

Her son has small boat in Barnegat Light, NJ. He was unable to attend the meeting and wanted a statement read into the record. She read the following comments written by **Paul Puskas**, owner and operator of the gillnet vessel "Miss Katherine":

"I don't think its fair to exclude someone from a fishery because they didn't catch as much as the next guy. Why can't the government look at the percentage of income a person made from monkfish and give out permits that way? Over 60 percent of my income comes from monkfishing and I don't think I ever caught 750 pounds of tails in one day.

"I always thought it was good to conserve the resource by not overfishing, but now I'm not so sure. Instead of being rewarded with a permit for not overfishing, I will probably be punished for it. I would have been better off working harder for less, catching more fish and not worrying about quality or price. Just catch more, get less money, and deplete the stock. Its not fair to a small boat owner/operator like myself who depends on the monkfish to get by in life."

**Jim Brindley** agrees with suggestion of limiting vessels to use only certain gears to prevent vessels from getting into gillnetting.

**Mr. Lougren** said that if the Councils adopt seasonal quotas, there should not be a season where it is closed for vessels that land monkfish as a bycatch. He approves the seasonal closure for directed fishery, however. If there is a seasonal quota, it should favor times when the prices are highest. The Councils should restrict the use of latent groundfish permits. They should not be able to target monkfish with gillnets during those days

**Mr. Wark** favors a provision for allowing exceptions for crossing gear types, as a future provision.

No more comments were offered and Mr. DiLernia closed the hearing at 9:10 p.m.

**Mr. Brindley** submitted several pictures of boats that may not qualify under the proposed qualification criteria. One boat in the pictures has not participated in the monkfish fishery, but would be able to use its multispecies days to target monkfish, possibly with a gillnet. The directed monkfish fishermen feel that this policy is unfair. Their pictures follow this summary.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
617/231-0422 FTS: 617/565-8457

## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 3, 1997

LOCATION: Howard Johnson Hotel, Toms River, NJ

CERTIFIED BY: *af Applegate*

PLEASE PRINT

Telephone

Name

Mailing Address

Andrew Applegate *af*

*Tony Dikerna*

*MAFMC*

# ATTENDANCE SHEET

**CERTIFIED BY:**

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Jim Lavigne

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908 840-9560

FRANCES PULSKAS

1202 central Barnett Lt

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PAUL PUSIGAS

71 Eno Rd West Creek NJ

④ 978-0450

S. J. V. Phillips

P.O. Box 817 Burnsville / Light 10

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# FORM TO REQUEST MONKFISH DOCUMENTS MONKFISH PUBLIC HEARING

New England Fishery Management Council  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
617-231-0422

## CHECK OFF DOCUMENT TYPE

NAME	ADDRESS	DSEIS	A.9.	APPENDIX I	PHD
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Kevin Wark	1508 Bayview Ave				
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ROBERT BREWSTER	1730 Whitcomb R.D. Forked River			08221	
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TIM KRIEGSMANN	6 Allison Way Bangor				
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DOZ MYERS	P.O. Box 146, West Creek, N.J.				
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FRANCES PUSKAS	Box 141, Barnegat Lt. hg				
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JIM LOVGREN	717 Laurelhurst Dr. Brick N.J.				
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JIM BEINDLEY	1310 Bayview Ave Barnegat Light N.J.				
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TIM BRINDLEY	270 N. St. West Creek N.J. 08092				
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<del>SALE</del>					
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## 12.2.7 Ronkonkoma, NY – March 4, 1997

Mr. DiLernia started the meeting at 7:30 p.m., giving a brief introduction of the proposed alternatives. Following the introduction, Mr. DiLernia opened the floor to questions from the audience. Two Mid-Atlantic Council members, Anthony DiLernia and John Mason, and New England Council staff-member Andrew Applegate were present. Nine members of the public were in the audience.

**Mark LaRocca** (monkfish gillnet fisherman): Do the NEFMC members represent different fishing sectors? Mr. DiLernia answered that the New England members of the monkfish committee were mainly from the trawl fishery, but there were gillnetters on the Council.

**Jim Froelich** (monkfish gillnet fisherman): When is the control date, the cut-off for the qualifying criteria?

**Carl Froelich** (gillnet for monkfish since 1983, from Moriches Inlet): He entered the monkfish fishery when the state closed the bass fishery. He uses 12 and 14-inch diamond mesh with six-foot tie downs, and floats every 20- feet. He catches nearly all large monkfish, 3 to 18 pound tails. The tails are over 16-inches in length. He recommends that the Councils consider raising the size limit, even as high as 16 inches tail-length.

The Councils need to let the fish spawn once or twice. A healthy monkfish resource is important to him, because he has no other fisheries to go to if monkfish are not available to him. He mainly fishes in the spring over a six-week period, from 15 May to 1 July, and then again fishes in the fall from 1 November to 15 December. He therefore does not support a spring closure. He prefers the days at sea alternative, so he make a trip whenever he wants to fish.. He doesn't want the management plan to force him to fish when he can't go fishing. His boat cannot fish during the late winter when weather is so bad.

Mr. Froelich prefers alternative 3. He also prefers a larger minimum size and mesh size to reduce the number of small fish being caught by fishermen, especially on draggers. He favors following this approach over adjusting the days at sea to meet the TAL targets. In the local gillnet fishery, then land 17 tails for every 70 pounds in a box, making the average size, 4-5 lb. The offshore draggers take 5 fish for every one that he catches, because they catch them at a much smaller size. Offshore boats are cutting livers from undersized fish. Whenever he catches a few small fish, he releases them and most swim away live. He uses large mesh gillnets to target larger fish. He supports using 12 inch and 14 inch mesh to reduce the catch of small fish. He uses nets with 0.90 mm twine.

Mr. Froelich supports the 750-pound, 15 trip qualification criteria over the 4-year period. There are about six gillnet fishermen in NY, and they would be able to qualify. Now there are fishermen from RI fishing down here in the last two years. He also supports the net caps, and he would be satisfied with 24,000 feet of net.

Mr. Froelich said that fish move east to west in the springtime, and they show up right under the beach. The fish come from the south and then come to the shore. Later in the spring season, the fish fall off into deeper water. He fishes no more than 20 miles from shore in his boat as the fish move offshore. As a result, he only catches fish in two months in the springtime, May and June. He lands tails, instead of whole fish, but he is now considering landing whole fish.

**Mark Larocca** (monkfish gillnet fisherman): He agrees with what Mr. Froelich said. We would prefer larger minimum tail size and a larger mesh size to meet the objectives if the days at sea do not meet the

targets. He supports the qualification criteria with 750 pounds for 15 or more trips. He said the documents say that females begin to spawn at 12 inches, but he has never seen mature females at that size. He thinks that a 16-inch tail is a better size limit to allow spawning. Most of the local gillnetters leave their gear at sea, fishing 24 hours per day.

**Tim Froelich** (monkfish gillnet fisherman): He agrees with Carl Froelich and Mark LaRocca. He asked if when the TAL goes down in the year 2002, will the days at sea be reduced to meet that landings target? He believes that the document should identify a target stock size and an estimate of how many days would be available at that future stock size. Monkfish is an unregulated fishery and is being roped into fisheries that have been highly regulated.

**Carl Froelich:** He feels that the gillnet fleet should get a higher quota of monkfish because they do not catch cod and haddock. In addition, the draggers will have to go to a larger size mesh to reduce the number of small fish they catch

**Mike McCaron** (monkfish gillnet fisherman from Montauk): When the amendment is successful, how do we amend this document to adjust the management measures for the stock conditions? Mr. Mason replied that framework adjustments would change the management measures to meet the TAL targets.

**Jim Froelich:** He would like to see what the TALs would be in the future when the stock recovers.

**Carl Froelich:** There is no federal law on the sturgeon fishery, NJ and RI can land fish in NY, but he cannot land sturgeon caught outside three miles and land them in NY.

**John Hwang** (Seafood Exchange Seoul, Inc., a seafood exporter to Seoul, Korea from RI): He knows a lot about the market. The basic problem, he believes, is that the federal government is doing a lot to promote export products. He has received aid to sell monkfish abroad. This policy leads to an unrestricted ability to sell, but then the management system restricts fishermen's ability to land. These policies are contradictory. Fishermen do not make a lot of money and management is trying to protect the resource. There are packers that are making 20 to 30 cents per pound on the same fish, while fishermen are only making five cents per pound. On one hand, management is telling fishermen to catch less fish, and on the other hand packers are asking them to catch more fish. Buyers need a constant supply of fish, but fishermen are only worried to sell their fish. Without an ability to fill this steady demand, the packers may not be able to sell the fish at other times and fishermen will have no market.

There is nothing in the plan that restricts a packer's ability to sell fish. It makes little sense to him. There is collusion among the packers to maximize profit. His market is the Korean market, and he supplies 1,000 mt of monkfish per year. He estimates the total Korean market to be 3,000 to 3,500 mt per year. It is very low compared to several years ago, when it was illegal to import monkfish into Korea. Now the market is maturing and prices are going down and volumes are dropping. The ones that can sell quality fish should be the ones that can market fish abroad. How are the dealers going to survive? He believes the dealers are going to collude to raise the price and the volume. The dealer can afford to freeze the products to hold it until the market is better.

He favors doing away with restrictions on fishermen by restricting the dealers' ability to sell. It is better to restrict someone that makes 30 cents per pound, rather than fishermen that make 5 cents. He mainly buys only gill net monkfish, selling whole fish (stomach in, liver out). He believes that the packer should be held accountable and regulated more. The whole market is 3 to 4 years old, when the Korean import restrictions were lifted. A little monkfish comes from China to supply the Korean market, but their quality is not as good as the fish caught here.

The European market is pretty healthy for monkfish, but the price has to be low to market the fish there. The whole fish market is better than the tail market. The demand for whole monkfish is strong enough to go year around. Recent demand is lower because slight economic downturn in the Far East. In response to the lower demand, the dealers are trying to make the same money with lower volume by increasing their profit margin

**Bill Tunney** (small boat monkfish gillnetter): He agrees with Carl Froelich on the limited access qualifying criteria and on alternative 3. He disagrees with smaller mesh prohibition (Section 5.2.10 in draft amendment 9) because the local gillnetters use smaller mesh to fish for other species inshore, while they fish for monkfish offshore. He also has small mesh nets aboard when he fishes offshore to expand the diameter of the drum. This practice makes the net reel pull the monkfish gillnets faster and prevents backlashing when setting the gear. On the net reel, he use about 1200 feet of net with smaller mesh for this purpose.

He would like to see the monkfish regulations allow vessels to have some smaller mesh onboard. He suggested that vessels should be able to carry small-mesh (less than 6-inches) nets up to 1500 feet and use it to fish for species other than groundfish or monkfish on the way home, near shore. Most of the time, the small-mesh gear is set in state waters.

**Mr. DiLernia** thought that there would have to be a state-waters exemption to carry the small mesh nets onboard these vessels. The net should only be able to be set in state waters and vessels would also be unable to possess groundfish when the vessels have small-mesh nets aboard.

No additional comments were offered and Mr. DiLernia closed the hearing at 9:10 p.m.



ATTENDANCE AT: Monkfish Public Hearing  
DATE: March 4, 1997 LOCATION: Holiday Inn, Ronkonkoma, NY  
CERTIFIED BY: [Signature]

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Andy Applegate		

TONY DiLeone	MAFMC
John Mason	MAFMC
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CHARL FROELICH	124 Hedges Ave Patchogue NY 11772
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<del>WANG</del> HUANG S.S.	151 SUMMIT AVE, WAREFIELD, RI 02879 (401) 789-5079
Ed Chiofalo	24 Old So. Country Rd Brookhaven 2869799
Michael Mancini	F/V JAMIE ELIZABETH MONTRUK
Tim Froelich	F/V MISS INDEPENDENCE

NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
617/231-0422 FTS: 617/565-8457

## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 4, 1997

LOCATION: Holiday Inn, Ronkonkoma, NY

CERTIFIED BY: *a. J. Applegate*

PLEASE PRINT

<u>Name</u>	<u>Mailing Address</u>	<u>02879</u>	<u>Telephone</u>
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F/V JAIME ELIZABETH	45 MADISON HILL DR. MONTAUK N.Y.		(516) 668-4321
Bill Tunney	56 Donegan Ave E. Patchogue NY		
Ed Chiofalo	24 Old So. Country Rd Brookhaven		(516) 286-9799

## 12.2.8 Warwick, RI – March 5, 1997

Mr. McCauley started the meeting at 7:00 p.m., giving a brief introduction of the proposed alternatives. Following the introduction, Mr. McCauley opened the floor to questions from the audience. Two New England Council members, Jim McCauley and Eric Smith, and Council staff-member Andrew Applegate were present. Twenty-two members of the public were in the audience.

**Mark Tarasevich** (monkfish gillnet fisherman from Narragansett, RI): Why was the criteria dates chosen as 1991 to 1995, unlike fluke and scup that have more historic qualification periods, from 1982 to 1990? By selecting a more recent qualification period (1991 to 1995), some early fishermen would not qualify even though they brought their fish in every day. Mr. Applegate replied that the control date was established when the Council gave the public notice, via the Federal Register, that it was considering a limited access program. The qualification period was chosen to correspond with the development of the directed fishery, prior to the control date. Mr McCauley added that many of those vessels would automatically qualify as a multispecies vessel.

**Greg Duckworth** (monkfish gillnet fisherman from Pt. Judith, RI): He gave up his groundfish permit. Now, he doesn't appreciate being shut out of the fishery at this point. When he first heard of the monkfish alternatives, he was against alternative 3, but the other alternatives were not good. He now prefers alternative 3 over the others. His vessel is under 25 grt, and would therefore qualify under criteria option 3. He urged the Councils to retain the small boat category (15 or more trips over 750 pounds), although this threshold would be a substantial number for a small boat. The other option, 50,000 pounds would shut the door for a small boat.

He is not opposed to the 80 net gillnet limit, but has at times fished 150 nets. What does 80 nets mean, he asked, a starting point or an ending point? Would a spring closure be brought in? An 80 net limit is a significant reduction for him. He has sometimes fished as many as twice that amount. He doesn't want to have to fish 80 nets with many other restrictions. He doesn't want to leave the perception that 80 nets is an upper limit, not a significant reduction.

On the close season, Pt. Judith has small boats that gillnet. If the season is closed in spring and open in the fall, the weather may adversely affect their operations. The 50,000 pounds of tails is an unrealistic limit for someone with a small boat, he repeated.

**Dean Pesante** (monkfish gillnet fisherman from Pt. Judith) supports alternative 3. He sees this choice as the best all around alternative for all the user groups and for preservation of the resource. He suggested some changes to alternative 3. Under the framework adjustments on page 10, he would prefer trip limits instead of a more drastic approach of using closed seasons to meet the objectives. Closed areas would hurt the small boat fleet because it would depend on the weather. He supports a 1,000 pound tail weight or equivalent whole weight trip limit if the Council later considers future framework adjustments.

Mr. Pesante emphasized that there are already closed seasons and areas for groundfish and mammals. There are already have many closed areas to protect spawning fish. Most of the bigger boats would use their days at sea during the fall and winter to get the higher liver prices. But the small guy depends on the spring season. A trip limit would allow the small guy to continue to fishing during times that are favorable to him.

The Councils should consider mesh size as a factor to control monkfish size selection (page 14). He thinks the 10-inch minimum for gillnets is too low, because the majority of gillnetters use 12-inch in the

southern area. He asked why the Councils want to reduce the minimum mesh to 10-inches. The smaller mesh catches smaller monkfish, comparing the catches with 10-inch mesh to those with 12-inch mesh. A few fishermen 10-inch mesh, but the majority use 12-inch. He supports the 14-inch minimum size. Gillnets do not catch small fish.

Mr. Pensante added that trawlers targeting monkfish with 6-inch gear does not make sense. It is one thing if they are catching groundfish, but it cannot be justified for vessels targeting monkfish. He suggested that allowing trawlers to use 6-inch mesh should be based on the percentage of groundfish. Trawlers should be using the bigger mesh for monkfish. The examples on 42 and 43 make sense, but other examples where guys are not landing groundfish, but are still able to use 6 -inch mesh just because they have a multispecies permit (page 46). Alternative 3 is the way to go if these things are changed.

**John Kortesis** (dragger fisherman from Tiverton, RI) agrees with alternative 3. He asked,, for the framework to adjust days at sea to meet TAL objectives, does that mean that that days at sea could be removed from a groundfish boat to protect monkfish? Mr. McCauley answered that this could be a possibility. Mr. Kortesis prefers adjusting the monkfish-only days at sea to meet the TAL objectives. He has a multispecies permit. The qualification criteria is too high for small boats, those that often fish for one or two days. Keeping small boats out of the fishery is not the solution to saving monkfish. If you get individual monkfish days at sea, would there be a trip limit on that, he asked? The criteria and unlimited amount qualifiers can land seems geared to a big boat. The six inch mesh and multispecies permit, you have to take a days at sea to fish with six inch mesh. The days at sea limit is a restriction for vessels with multispecies permits. If you decide to go fishing for monkfish, the boat would not be fishing for groundfish, under its 88 days at sea. It seems like the day boat is the one that would have more restrictions on it than the other boats.

**John Stolgitis** (RI Division of Marine Fisheries): RI plans to submit written comments. His staff has reviewed the monkfish plan, and generally feel that alternative 3 is the better management scenario. He suggested that the Councils consider a framework adjustment for gill net effort reductions. The increase in the proposed minimum size will likely result in a significant reduction in otter trawl and scallop landings, but it would increase discards. He added that selectivity of these gears is not estimated for 10-inch square or 12-inch diamond mesh. There are significant problems with undersized mortality, especially for scallop dredges.

His staff had some concerns about the to whole fish to liver landings. The proposed ratios and the true relationship between liver to whole fish would allow vessels to high grade, discarding undersized monkfish and retaining their more valuable livers. A dragger targeting monkfish, landings of 20,000 pounds of whole monkfish could also land up to 2,000 pounds of livers, which means he could cut a substantial number of livers, if you used a 25 percent liver to whole fish ratio. A scalloper with 16,000 pounds of whole fish, with an additional 1,660 pounds of livers, would that mean that the livers would be from the gutted fish or would it mean that they would be whole fish in their entirety. His position that there should be a correlation between the number of tails and livers, verified by a one-to-one liver to tail ratio.

The qualification criteria for vessels is a little confusing, and may leave out some fishermen. Most vessels would qualify, but the document is not clear on what the various categories could do. Other dredge vessels (besides scallopers) may not have a bycatch allowance. Inshore vessels with monkfish bycatch that may be eliminated from being able to land their bycatch. Mr. Stolgitis suggested a 10 percent bycatch limit for these other fisheries.

Mr. Stolgitis observed that day boats would be the only group that would have to take 21 day blocks out of the fishery. The gillnetters are the only ones subject to the spawning closure. Mr. McCauley explained



that this was necessary because they are the only group that leaves their gear at sea between trips. Mr. Stolgitis added that there are already seasonal closures for gillnetters in RI. March 1 for RI fishermen is a low productive time, but then they would have to take another 21 day hit during the summer. He sees this requirement as a biased policy against the small RI gillnetter. His staff needs clarification on tagging and net limits. He thinks that the 80 net cap for gillnetters is inappropriate.

**Paul Tarasevich** (monkfish gillnet fisherman) said that draggers have already been cut back to 88 days at sea. He sees this days at sea reduction as being equivalent to the gillnet cutbacks. The proposed net limits are fair, because the trawlers have already had their reduction.

**Mike Tarasevich** (monkfish gillnet fisherman): On page 8, he asked about the summer flounder vessel limit in alternative 3. The 10 percent limit seems a little ridiculous to him. Under these trip limits, his boat would be towing next to gill netters with no trip limits and next to vessels from other states that would have a higher monkfish trip limit, owing to the state-specific summer flounder trip limit. Seems to cause a lot of problems on the summer flounder limit. One state with 50 pounds, the other state may have a different trip limit.

If this plan does not work, Mr. Tarasevich asked, does that mean the limit might be reduced to five percent? He might have other fish onboard, but the MAFMC would have him to go to six inches when he was over 100 pounds of fluke. He has no problem with trip limit for multispecies or scallop draggers to limit the catch from these sectors. He would rather see a reasonable trip limit, than a derby and closures.

**Mr. Kortesis** would rather see a trip limit than a closure or closed areas, a trip limit on guys that are directly fishing on monkfish. Groundfish vessels are already restricted to 88 days at sea, adding monkfish to the 88 days at sea limits us that much more restrictive. He could see the monkfish TAL being caught up by the limited access guys having no trip limit.

**Paul Tarasevich** thinks the 10 percent is ridiculous, especially when there is a different fluke limit in different states. There should be a fixed amount for the monkfish trip limit, rather than a percentage.

**Donald Fox** (Pt. Judith) was unsure which of these options would allow him to qualify. He has history of targeting monkfish and landing them as a bycatch. He prefers alternative 3. He asked about how the size limit would be enforced. Currently they are measuring 11 inches on the meat in RI, not including the bone. A 14-inch size limit would put him out of business. He cannot catch a big enough fish and make it worthwhile to fish. The 14-inch limit equates to a weight of  $1\frac{3}{4}$  pounds per tail. He asked if the monkfish days at sea would be calculated by taking the directed days and subtracting them from the whole year. On page 14, he hasn't seen alternative 3 mention the fleet days at sea or individual days at sea and it hasn't mentioned a minimum mesh size. He opposes the mesh regulation for the net excluding the codend. For the codend, the proposal requires 10-inches square or 12-inches diamond, but the rest of net has to be 12-inch diamond. He really has problem with the mesh limits because the selectivity could be achieved with only the cod end. At present, he has and 8-inch wing extensions, costing about 12,000 dollars. Most of the fleet uses this gear and no one is using 12 inch net throughout the net.

**Mr. Pesante**, speaking about the liver ratio, said the 10 percent liver to whole fish ratio is too high. He has never seen that amount, the average being closer to 7 or 8 percent. His monkfish landings are whole fish, gutted but stomach-in.

**Mr. Fox** has observed the liver ratio closer 8 to 10 percent of the whole monkfish. He hopes that the regulations do not cause fishermen to cut livers from fish just to make the 10 percent allowance. The liver ratio varies, however, inshore it averages 12 to 14 percent on cut tails, offshore toward the canyons to east, it averages 16 to 18 percent. The livers to the east are larger for the same size monkfish,

depending on how the vessels cull the fish. He would prefer the liver ratio regulation to be a little over the average to account for this variation, rather than have it exact and have some vessels occasionally over the limit. A lower ratio may not work in all areas and all seasons.

**Paul Tarasevich**, asked about the day boat category, on page 62 of the Draft Amendment 9 document. Is that talking about draggers or gillnetters? Each trip would count as a minimum of 15 hours. Mr. Applegate clarified that in the middle of the page, the section is sub-headed as "Gillnet fishery measures". Mr. Tarasevich had no comment, since it applied to gillnet vessels.

**Mr. Duckworth** is concerned about vessels in the trip gillnet category avoiding the regulations by saying they bring all their gear to shore, but they may not have all the gear in. Trip boat vessels may be forced home in weather and would be in violation if they could not retrieve all the gear. Vessels might also claim that they moved the gear from offshore to state waters.

The inshore gillnetters lost their ability to fish during March because of harbor porpoise closure. Along with days at sea and net limits, it seems excessive to have additional closures to protect monkfish in the same quarter of the year. The 88 days at sea should be enough restrictions. The gillnet vessels should be able to use 88 days whenever they want. His gillnets do not fish immediately after he sets them, therefore there should not be that large a penalty for leaving them out. It takes time for fish to come to the net. The soak time should not be so much of an issue. He opposes the 21 day closure, because it takes too much time out of the fishery.

Presently, he lets the gillnets soak for three or four days and uses 0.90 mm twine. He supports the 14-inch tail minimum size. When vessels fish with 12-inch mesh, many start using the thicker twine that he uses. Some vessels with smaller mesh gillnets can use the smaller twine.

**Robert Cavanaugh**, (trip boat gillnetter for monkfish with a small boat): In the spring, he fishes 120 nets over a three day soak time. As fish appear inshore, he usually takes shorter trips and can fish fewer nets inshore. The 80 net limit would hurt the offshore fishery. Using these nets, he has zero bycatch and zero discarded monkfish. He favors a management measure that would allow the number of nets to vary by boat. On his boat, 120 nets works well on his boat, but it would be too much on a 30 foot boat. He usually has a four-man crew and he needs enough gear fishing to keep his crew busy. He supports a 12-inch mesh for gillnets. The 12-inch mesh catches better fish, few small fish.

No additional comments were offered and Mr. McCauley closed the hearing at 8:40 p.m.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
617/231-0422 FTS: 617/565-8457

TA 97-20

## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing  
DATE: March 5, 1997 LOCATION: Holiday Inn at the Crossings, Warwick, RI  
CERTIFIED BY: *A. J. Applegate*

PLEASE PRINT

Telephone

Name

Mailing Address

Jim McCauley \*

Andy Applegate

*after for Eric Smith*

NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
617/231-0422 FTS: 617/565-8457

ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 15, 1997

LOCATION: Holiday Inn at the Crossings, Warwick, RI

CERTIFIED BY: [Signature]

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Paul Tarasewich	676 Shannock Rd Wakefield RI	782-6317
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Donald Chase	615 South Road Wakefield RI	02879
Ray M	2774 ANJOU VALLEY Rd Exeter VT	02822
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## 12.2.9 Hyannis, MA – March 6, 1997

Mr. McCauley started the meeting at 7:00 p.m., giving a brief introduction of the proposed alternatives. Following the introduction, Mr. McCauley opened the floor to questions from the audience. Two New England Council members, Jim McCauley and Phillip Coates, and Council staff-member Andrew Applegate were present. Seven members of the public were in the audience.

**Steve Welch** (monkfish and groundfish gillnet fisherman): He has fished for both monkfish and groundfish since 1991, and has been landing monkfish as a bycatch since 1979. He doesn't prefer any single alternative over the others. Alternative 4 is better for him, because it would allow him to direct on monkfish when his groundfish days at sea are finished. Mr. Welch believes that Alternative 3 throws monkfish under the 88 days at sea, further restricting his ability to target monkfish. He would qualify for limited access under the proposed criteria, except for option 3b. If a boat does not have a multispecies days at sea permit, he thinks that a multispecies vessel should also receive monkfish days too. He uses selective gear, clean gear, and has developed a whole monkfish market. The price for whole fish is double that for tails when you consider the price per fish caught.

The use of 12-inch gillnets would meet management objective 1, Mr. Welch asserted. His records were frequently offered to the Council, but they have not been analyzed. In 1995, he caught 25,000 pounds of monkfish tails, 7% were medium and he caught no small monkfish. A fishery like this one helps to maintain a healthy spawning stock, another of the management objectives. A spring closure for all vessels would meet management objective 3. Mr. Welch believes there should be allowance for a small amount of bycatch to continue trawling and scalloping. He supports a spring closure.

Mr. Welch is opposed to Alternative 1, because there wouldn't be much quota available for the directed fishery and the trip limits would be too low. This alternative includes a spring closure, a measure that he supports. The spring closure optimizes yield and economic benefits.

There should be an increase in the minimum size to 15 or 16 inches. At 14 inches tail-length, not all females are sexually mature. A higher size limit would allow more spawning. He favors management measures that promote a directed fishery with a 12-inch gillnet, because the gear is size selective and lands quality fish. He noted that there is no bycatch information on fishermen that use monkfish gillnets. Monkfish, at the size found in monkfish gillnets, all have spawned a couple of times.

Mr. Welch maintains that the monkfish fishery should not be classified as a bycatch fishery, because fishermen in the fall are targeting monkfish by modifying their gear. Framework 20 would reduce cod to a 1,000 pound limit. Using gillnets to target monkfish is always a clean fishery in Southern New England. Even in the Gulf of Maine, the monkfish gillnet fishery is clean, well below the 5% limit on groundfish. He would like the Councils to take wording out of Alternative 3, about gillnet fishermen being required to return to port with gear.

Mr. Welch said that he could leave the monkfish gear out, even though he is in the trip category for multispecies. Monkfish and groundfish are different fisheries. He brings his groundfish gear home and leaves his monkfish nets out. He has a lot of capital and time invested in the monkfish fishery. He would like regulations that place him on the same playing field as other people in other fisheries. Alternative 3, as proposed, would limit his boat to only 88 groundfish days at sea for both fisheries, while other boats without groundfish permits would get an additional 88 days at sea to target monkfish. He may get some individual monkfish-only days at sea, but they would be not enough.

He has invested a lot in the monkfish fishery, and does not have enough capital and learning time to go into another fishery. He is opposed to qualification criteria. Option 1, since it will qualify nearly every vessel. He hopes that the directed monkfish fishery will be able to continue catching and landing monkfish. His boat would need additional days at sea to do something else.

**Frank Marachi** (dragger fishermen, day-boat): His business interest is in monkfish as an incidental catch. He has caught monkfish for 33 years and used to hate catching monkfish, but now they are the most valuable species he catches. When he is targeting other species, his boat produces less than 200 pounds per day on a seasonal average. The monkfish catch per unit effort has been declining, but the average fish size has declined even more rapidly. He has changed his opinion about supporting 14-inch tail length, but the Councils need to address the size selectivity of the gear. Mr. Marachi questioned whether 6-inch square mesh is appropriate for both flatfish and monkfish. Lately, the smaller monkfish in the catch has caused him to discard more monkfish under the 11-inch minimum size. He thinks the minimum size limit will simply cause fisherman to discard fish between 11 and 14-inches in length. Monkfish survival appears to be poor, even under the best conditions, Mr. Marachi said. Live collections for the aquarium usually expired, even with very careful handling. Discarding is not much of a conservation measure, he said.

Mr. Marachi thought that restricted access for scallops and groundfish actively encouraged people to fish for monkfish in 1994. Quite a few people have developed a directed fishery for monkfish since that time, he noted. He doesn't want to see those people excluded from the fishery. He supports supplementary monkfish days at sea, but the TAL should not be absorbed by the directed fishery at the expense of fisheries that land monkfish as a bycatch. With reduced fishing mortality, the directed fishery might trend upward again. He supports Alternative 3, but doesn't want to see those with a history of directed monkfish excluded.

There are many areas with juvenile monkfish, explained Mr. Marachi. For example there are an awful lot of monkfish in the southern Gulf of Maine. During the late summer and fall there are an appalling number of small monkfish. Monkfish is a shaped fish and does not lend itself well to mesh selectivity. An artifact of high mortality is that the population might be stratified by size. Mr. Marachi speculated that it might be possible to develop a monkfish-selective net. Size selection by the fishery is a definite management problem. He would like to see experimental work done on selectivity. Small fish can show up and be concentrated over a certain depth stratum.

He doesn't know if the 12-inch trawl mesh would help improve monkfish selectivity. Monkfish days should be equivalent to groundfish days at sea. His believe is that the program is working for groundfish, mortality rates are coming down and he is seeing more juvenile fish. He advocates experimental work on large mesh. He thinks that some selectivity is possible, but monkfish is not conducive to mesh selectivity. Selectivity seems to work better in a gillnet than in an active net, like a trawl. Reducing mortality through reduced effort is a better approach for monkfish, he explained.

**Ed Rohmer** (vessel Shenodoah): Concerning the limited access qualification, three years ago he shifted fishing effort from groundfish to monkfish, setting some groundfish tubs (hook gear) during winter. Going that direction is a slap in the face, since now he is being penalized for taking that approach. There are reports of people cutting small fish and keeping livers, under the current management system. He favors a regulation that would count equal number of livers to an equal number of fish. The proposed weight ratio is out of whack, he stated. Scallopers that target monkfish during their days at sea would have to tow a net. When do scallopers fall into the directed vs. the bycatch fishery, he asked?

Concerning gear selectivity, his experience on draggers and gillnet vessels is that there isn't a cleaner way to fish for monkfish than with a 12-inch mesh. He favors fishing with gillnets, even on large trawl

vessels. He is glad the problem of days out of groundfish then going monkfishing during those days out is being addressed. The effort shift really cut into those who were directing on monkfish. The limited access qualifiers should get trip counted as dock to dock or a 24-hr period, or do I get that to make that qualifier.

He also gave some concerns expressed by the owner of his vessel. They started in the fishery by using a smaller number of nets. Using 150 nets in 1995, they made a decent living for 3 days per trip. They would respond to the net limits by reducing the number of crewmen. There has been a decline of monkfish off of Chatham. It is hard now to catch enough monkfish to make a living with only 80 nets. The 150 nets they use is all tended, not left for excessive soaks, and they catch big monkfish. The percentage of large to small monkfish in their catch is very high. He favors the higher minimum size. He is concerned about the qualification. If they didn't qualify, it seems like they were being penalized for not catching enough monkfish. The qualification system will reward those that catch the most fish. In 1996, there was a rapid decline of monkfish and they moved around quite a bit to locate fish. He said that something should be done to address the liver ratio. He favored a regulation that would require a one-to-one ratio between livers landed and fish landed.

**Barbara Bragdon** (BTG fisheries, full time scallop vessel and also fishes for monkfish with a net) asked what would they qualify for under their multispecies days at sea. They put nets on to target monkfish. What do they qualify for with multispecies days at sea? Mr. McCauley answered that it would allow them to continue fishing they way they have, they could target monkfish with their multispecies days at sea. He added that they can now target monkfish using 6-inch mesh.

Does NMFS have weighout data for monkfish, Mrs. Bragdon asked? The official data she received from NMFS has no monkfish landings for their vessels. She favors the one-to-one ratio of livers to fish. Regarding the closed seasons or areas, how can vessels that are scalloping be able to avoid monkfish during the closed seasons, she asked? Her larger trips had over 5,000 pounds in June and the last half of the year, when the price of livers in Japan are high during the winter. She supports the 5,000 pound trip limit for scallopers.

**Mr. Welch** said that he now fishes 220 nets, but he is willing to reduce to 180 nets. He is opposed to tagging gear without a reward system for reporting violators. Gillnet fishermen should be able to leave the gear out, he maintained. He currently takes seven-day trips and hauls 220 nets. His boat is large enough to keep all gear aboard on deck. He uses 16 gauge twine with 3-foot tie-downs in his nets.

**Peter Spault** (Cape Oceanic, scallop vessels that also target monkfish): He supports a more even relationship and playing field between vessels using different gears. In the case of 3½-inch rings and six inch gear, the scalloper would be limited by a trip limit, whereas a trawler would not be limited. He believes this policy is not fair. He thinks there should be more information on monkfish escapement between the two gears. The Councils should put more thought into this approach, he insisted.

Mr. Spault claimed that there would be considerable discards of fish after vessels reached the 5,000 or 400 pound trip limit. The Councils need to develop a better plan to stop discards in areas of high abundance of monkfish. He suggested a program for mandatory observers to address this problem, similar to that established in NAFO areas and on west coast. He thinks vessels should be forced to move 10 miles away from these areas if monkfish exceed certain proportions of monkfish to scallops.

No additional comments were offered and Mr. McCauley closed the hearing at 8:20 p.m.





NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
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97-21

## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 6, 1997

LOCATION: Tara Hyannis, Hyannis, MA

CERTIFIED BY: [Signature]

PLEASE PRINT

Name

Mailing Address

Telephone

Jim McCauley \*

Andy Applegate

Phil Contro

NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
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ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 6, 1997

LOCATION: Tara Hyannis, Hyannis, MA

CERTIFIED BY: *AJ Applegate*

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Ed Rohmer	F/V Sherandoak	
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FRANK MIRARCHI	Scituate, MA	617 845 3231

## 12.2.10 Gloucester, MA – March 7, 1997

Mr. McCauley started the meeting at 1:00 p.m., giving a brief introduction of the proposed alternatives. Following the introduction, Mr. McCauley opened the floor to questions from the audience. Two New England Council members, Jim McCauley and Phillip Coates, and Council staff-member Andrew Applegate were present. Seven members of the public were in the audience.

**John Montgomery** (groundfish fishing vessel Shandel): Back in 90 or 91 when groundfish regulations were changed, monkfish were considered an underutilized resource, along with dogfish. Many people have since gone into the monkfish fishery. He hasn't really targeted monkfish, and therefore wonders how the rules would affect him, compared to the other fishermen that have recently started monkfishing.

**Vito Calomo**, (Executive Director of the Fisheries Commission of Gloucester) supports alternative 3. He realizes that since amendment 7, there has been a lot more targeting of monkfish. There is a conservation issue for monkfish, to preserve monkfish for the future. He apologized for the light turnout and lack of interest in Gloucester, but under amendments 5 and 7 fishermen are going away under the buyback program. The industry decline is being caused by a series of poor decisions by management for not having other avenues for fishermen to pursue instead of groundfish. The advantage of alternative 3 is that it is the best one for preserving the industry.

**Mr. Montgomery**: As a gillnetter, he does not catch monkfish that small, and therefore supports the minimum size. He might support a larger minimum size.

**Richard Allen**: There is nothing wrong with a 14-inch minimum size for the gillnet fleet. He has been monkfishing since 1990. He also uses gillnets to catch flounders with 7½-inch mesh, but he does not catch very many monkfish with this gear. During the spring, he fishes for yellowtail and blackback flounders. During the summer, he uses 9 to 12 inch mesh gillnets to target monkfish, beginning in June when the dogfish show up. The 7½-inch mesh catches more small monkfish.

**Mr. Montgomery**: 12-inch mesh gillnets do not catch many small fish. Nearly the entire catch is all large monkfish. With 10- or 11-inch mesh, on the other hand, the gear will not catch the large fish. He asserts that monkfish that would yield a 14-inch tail could be targeted with certain gillnet mesh. A 10- or 12-inch mesh is a good size for monkfish, he suggests. Using a 12-inch mesh, no more than 100 pounds would be undersized (less than 14 inch tail-length) from a total catch of 1,000 pounds.

The monkfish in our catches are getting smaller, so the largest (i.e. 14- inch) mesh would not work at this time, but it would be better for catching large monkfish. The catches also depend where the fishing occurs, different in NY vs. here, the bottom is different and there are more crabs in the Mid-Atlantic. Here in New England (north of the Cape and on Coxes Ledge), the bottom is a lot cleaner. Fishermen can fish more nets and use different mesh than that used in the Mid-Atlantic. For this area, the 80 net limit is a little shy. His boat could only haul 80 nets twice a week.

**Mr. Allen**: He fishes in the large mesh multispecies program for groundfish. Using this gear, he needs to fish 160 nets, with 2-3 men on boat. Anything less than 160 nets, he could not make a living at it.

**Mr. Montgomery**: To make enough money, to make a living, his boat would need to fish 160 nets. This would allow his boat to fish 3-4 days per week. This many nets can be tended frequently. With less nets, the boats would sail less often and leave the nets to soak for longer periods. Some fishermen put out 400 nets, but he doesn't see how they could be tended properly. This many nets take up too much bottom. Mr. Montgomery usually hauls 50 nets per day. Some boats can fish as many as 100 nets per day.

**Pat Frontierro :** When you tie a net down, the big fish are there, but they don't tangle up in the net and they escape when the tide changes. These nets are a modification of a trammel net to make the fish sack themselves to stay in the net. The 12-foot tie-downs are too far apart. The thing that determines how well the net fishes is how far apart the tiebacks are from each other.

**Mr. Montgomery** reported that he uses 16-gauge twine in the 12 inch mesh. The heavier mesh is needed with the large mesh to strengthen the net. The tie downs are three feet to six feet. On the net, the meshes are 11 meshes deep, top to bottom, when he is using 11-inch mesh.

Concerning the closed season, he plans to fish in May and June, when the fish are spawning. Mr. Montgomery does not think it is a good policy to catch spawning fish, but with the 12 inch mesh he catches few immature fish.

**Richard Allen:** The gillnetters already lost 20 days in the spring, beginning March 1<sup>st</sup>. They will also loose all of April, because they will not be able to use pingers. He is already shut off in May from being able to fish. He opposes the additional 21-day time-out of the fishery to protect monkfish. The additional closure is too much regulation

**Mr. Montgomery:** He could still go dogfishing during the summer. The time out to protect monkfish would not hurt him that much, therefore. A boat fishing only for monkfish will target monkfish more in the fall when the prices are high. Other boats that target other species in the fall would fish in the spring and fish for other species during the other parts of the year. Someone with 88 days at sea to target monkfish will tend to fish in the fall. He doesn't think many boats would be fishing in the springtime. A few boats fish in the spring in Southern New England and the cape Cod. The livers are more valuable in the fall and more fishing effort for monkfish would occur then. He fishes for groundfish or dogfish in the fall. He thinks the qualifiers for monkfish would save their 88 days for the fall fishery.

**Mr. Calomo:** Maine dealers compete against other dealers for the liver market. He believes they have an unfair advantage by being able to market livers from small fish. It is too small, the fish have not had the opportunity to spawn. The local dealers are concerned about competing against other dealers selling livers from small fish. He advocated the states working together to have complementary regulations.

**Mr. Frontierro** suggested that the Councils adopt a simple solution so the dealer cannot buy the monkfish without also buying the livers, and vice versa. Otherwise it will be impossible to enforce the liver ratio. Most people buy both products and then find dealers to handle the individual products.

**Mr. Montgomery** supports the 10 and 25 percent liver ratios and believes these numbers are a reasonable limit.

**Mr. Calomo** complimented the Council on it efforts to develop these measures. He found the public document is put together very well. It is much better than the ones put together in the past. It is understandable and the examples were very interesting. It is aimed at doing a management job and work within the system.

No additional comments were offered and Mr. McCauley closed the hearing at 2:20 p.m.

NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
617/231-0422 FTS: 617/565-8457

ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 7, 1997 LOCATION: Sadler Hall, Gloucester, MA

CERTIFIED BY: [Signature]

PLEASE PRINT

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
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Kirk Pearson	1 Blackbird Pt Gloucester	NMES 508 281-9279
Mike Armstrong	30 Emerson Ave Gloucester	

## LA 91-44

**617/231-0422 FTS: 617/565-8457**

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 7, 1997

LOCATION: Sadler Hall, Gloucester, MA

**CERTIFIED BY:**

**PLEASE PRINT**

Name

Jim McCauley\*

**Mailing Address**

**Telephone**

Joe Brancalone\*

Andy Applegate

Phil Conto

1/EFML

## 12.2.11 Portland, ME – March 10, 1997

Mrs. Stevenson started the meeting at 7:10 p.m., giving a brief introduction of the proposed alternatives. Following the introduction, Mrs. Stevenson opened the floor to questions from the audience. Two New England Council members, Barbara Stevenson and John Williams, and Council staff-member Andrew Applegate were present. Sixteen members of the public were in the audience.

**Maggie Raymond** (Associated Fisheries of Maine Groundfish Group and the Maine Fsihermen's Wives Association) asked if there has been any Council discussion that the monkfish-only days at sea could be turned into regular ms days at sea. Mrs. Stevenson responded that there was opposition to this idea by the NMFS.

Mrs. Ramond's industry association includes trawl gear users, but they also have members with gillnet gear. She is disappointed that there are so few council members here to hear our comments and suggestions. Mrs. Raymond read a prepared statement into the record. The text of this statement follows the hearing summary.

**Dennis Frappier** (General Manager, Portland Fish Exchange) had no specific recommendation in favor of an alternative. He believed that all the alternatives in the document were developed for fisheries that occur outside the Gulf of Maine. Mr. Frappier read from a prepared statement. The text of this statement follows the hearing summary.

Commenting from his prepared statement, Mr. Frappier noted that large monkfish landings were about the same in 1995 and 1996. Small monkfish landings increased, while the peewee landings were down a little bit also. Total landings were nearly unchanged between 1995 and 1996. In response to a question from Mr. Applegate, Mr. Frappier responded that gillnet landings were approximately 10-15 percent of the total landings at the Exchange

**Jim Kendall** (New Bedford Seafood Coalition): Concerning the references to discards of dead monkfish, he noted that there is an inherent supposition that they are dead. He recognizes that the return rate is rather high. Down south he is more familiar with the fishery. Incidental bycatch is true and unavoidable. Bycatch is not a bad word, but its meaning has been changed in recent years by conservation groups. According to his definition, bycatch is any fish that is caught when you catch something else. He thinks that vessels can target monkfish with more efficiency than they do now. On the trip limits for scallopers, this management proposal basically will put a yearly quota on these vessels, because they have a limited number of days at sea. He recommends that the Councils reject the implied quota for these vessels, because no other vessels have a quota. The daily limit (landings per day at sea) reduces the normal trip limit for an ordinary scallop trip.

Once the fishery became targeted, we became too good at what we do, Mr. Kendall said. In Southern New England, the monkfish are up on Coxes Ledge, a favored spawning area for monkfish. The fishermen are taking out huge amounts of monkfish from this area in the springtime while spawning occurs. One of the biggest gripes, he heard about, was from a gillnetter who strung the nets in one long series offshore of the spawning area. He supports possible seasonal closures, but there is very little mention of it other than in the framework sections. The increased biomass resulting from discards in the southern area might make up for discard mortality in the northern area, he thought.

In response to Mr. Williams, Mr. Kendall said that the 400 pounds value isn't a bad trip limit, but it isn't like the proposed regulations for the other gear sectors. The separation of the gear sectors is a bad

problem, caused by management. Fishermen are trying to find something to go after, once their days at sea are used up, but the management system prevents them from seeking alternatives.

Spawning time on Coxes varies, Mr. Kendall explained, usually it occurs in early springtime, sometimes a little later. Also the tail size is an important management measure. It would cut landings by a very large percentage, but scallopers feel they can manage it.

**David Greenly** (Miss Penelope): With bottom and semi-pelagic gear, monkfish is an unavoidable bycatch. The level of bycatch was not a problem until monkfish were subject to directed fishery. He supports making monkfish a bycatch fishery only. He opposes the minimum size proposal, a poor type of management. He supports the liver to tail ratio, but the 25 to 30 percent of landings level should be a cap. The liver to tail ratio can be enforced at dockside, he believes.

**Roger Woodman** (owns two groundfish trawlers) agrees with the comments made so far. The trip limits and quotas are failed tools of the past and are counterproductive. Alternative 3 gives most of that, with the exception of scallop trip limit. He favors alternative 3, but the size limit is not good. It will create discards and it would be very wasteful.

**Peter Flatherty** supports monkfish effort reduction via days at sea. He would support future reductions of days at sea if necessary, especially via natural attrition in size of fleet with age, but objects to the trip limits. Trip limits create wasteful discard, he contends. The fixed trip limits also do not evenly balance off with investments. It treats everybody the same, even though they have different investments. He disagrees with the minimum size limit. He thinks that the 6-inch codend has done a good job selecting other species. With that mesh, there are no discard problems with any regulated groundfish. But we will have a problem, if a monkfish minimum size is put into place, he said. He heard privately, that the requirement is intended to adjust how fishermen fish. If he's sees a big pile of monkfish, that would bring 50 cents, he would move onto other areas. Often he catches small monkfish among other things, but nobody targets small monkfish.

**Marshall Alexander** (stern trawler in Gulf of Maine): Monkfish should be regulated as a bycatch fishery, the way its been for quite some time, until recently. He agrees with New Bedford, that something should be done about the gillnet fishery. Gear is strung along banks and left for 3-4 days. Areas should be conserved, he suggests. Management has driven fishermen into things that are not good for the resource. Monkfish should be strictly a bycatch fishery. He has no problem with the trip limit for scallopers. No one would be here (trying to manage monkfish), except for the high price (creating a directed fishery). He favors alternative 3.

**Bill Doughety** (manages four draggers): All of his boats traditionally catch monkfish as a bycatch. The boats never target them. He believes that management should keep it simple. Directed fishery with trawls or beam trawls. Pulling them from 40 fm with ½ hr tow. He targets them with much longer tows in 100 fm, few monkfish survive discarded. The size limit would be a total waste. He supports limits on the days at sea, as it will help the monkfishery too. No one knows what the buyout is doing. He suggest that management be bycatch on days at sea. Concerning the small fish in the south, the scallopers do not cut the little ones, because takes too much time to handle them.

**Hank Soule** (works for Barbara Stevenson): Most people call monkfish an unavoidable bycatch. He thinks that the fish regulations must minimize bycatch and minimize mortality on unavoidable bycatch. The 14-inch minimum size will increase mortality of monkfish. It seems to him that there should be separate management rules for the northern and southern areas.



**Sam Viola** (FV Jamie Lee) supports Mrs. Raymond's comments. The size limit would not change how he fishes. The days-at-sea regulation controls his fishery. He has seen fish come up that would not survive without livers if the price is \$18-20 per pound.

**Mr. Kendall:** For the fisheries that land gutted monkfish, rumors of cutting livers from undersized fish exist. Some of the blame for the practice falls on the buyers. The dime-size livers are no good for conservation, he said. Few fishermen would go for small fish if there was no market. Enforcement is cheaper dockside, he believes. It is easier to put one observer in every large buyer than on every vessel. The liver to tail ratio is unenforceable and ignored in some cases.

Changes in water temp and season affects the liver ratio, Mr. Kendall noted. He pointed out that the 14-inch size limit would be the largest minimum size under the proposal. Management could adopt a smaller minimum size. Only two states, Maine and Maryland, do not have a minimum size regulation, he observed.

Mr. Kendall thought that the 25 percent ratio is not too far off, but he does not support the one-to-one ratio. Closed seasons have escaped the management proposal, he observed.

**Mr. Alexander:** Concerning the tail size, Southern New England and the Gulf of Maine are two different places. He is against a size limit for the bycatch fishery. These fisheries occur in depths greater than 50 fathoms, and there are few survivors from discarding.

**Mrs. Raymond** added that the spawning season in northern area is later than the codfish spawning season. March to May is not a good time to protect spawning. June and July would be a better time to protect spawning on Fippinnees Ledge.

No additional comments were offered and Mrs. Stevenson closed the hearing at 8:00 p.m.



NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
617/231-0422 FTS: 617/565-8457

TA 97-23

## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 10, 1997

LOCATION: Radisson Eastland Hotel, Portland, ME

CERTIFIED BY: [Signature]

PLEASE PRINT

Name

Mailing Address

Telephone

Barbara Stevenson \* [Signature]

Andy Applegate [Signature]

VERNON WILLIAMS

NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
617/231-0422 FTS: 617/565-8457

## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 10, 1997

LOCATION: Radisson Eastland Hotel, Portland, ME

CERTIFIED BY: [Signature]

PLEASE PRINT

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<u>Chris Finckelson</u>	<u>Mano D.M.A.</u>	

**New England Fishery Management Council**  
**Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906**  
**617-231-0422**

[illegible]



## 12.2.12 Fairhaven, MA – March 17, 1997

Mr. Avila started the meeting at 1:40 p.m., giving a brief introduction of the proposed alternatives. Following the introduction, Mr. Avila opened the floor to questions from the audience. Council staff-member Andrew Applegate was also present. About 40 members of the public were in the audience.

**Steve Welch** (monkfish and groundfish gillnet fisherman): Under alternative 3 and the TAL objectives are not met, could the multispecies days at sea be affected by monkfish he asked? Mr. Applegate responded that days at sea could be one of the management measures the Council would adjust because monkfish would be a species of concern, like cod, haddock, and yellowtail flounder.

**Jim Kendall** (New Bedford Seafood Coalition): The Council turnout for this hearing is disappointing and disgusting. The language in the introduction about discarding dead monkfish should be changed. He doesn't believe that it is an appropriate characterization. He sees the placement of monkfish as a species of concern in alternative 3 could be a driving force for multispecies management, because it could cause additional reductions in days at sea for groundfish. Therefore, he suggested that monkfish not be included as a species of concern in the groundfish plan.

The 14-inch minimum tail is too large as a minimum size and is not appropriate for monkfish. We had used this once before as a basis for a New Bedford alternative, which does not appear in the DSEIS. He is concerned that the New Bedford plan was totally disregarded and not even reviewed.

Alternative 3 the 400 pound per day trip limit or the 5,000 pound trip limit, whichever is less is inappropriate. A days at sea quota or cap, the trip limit should only be for a portion of a trip. If a trip is 15 or 16 days it would exceed the 5000 pounds, so you would be losing about 1000 pounds of fish. If there is a large set of monkfish early in the trip, a vessel might have to unexpectedly return to port and be over the limit. Neither one of these conditions are acceptable. Many vessels have very little control over the unavoidable bycatch, other than to minimize in it.

The New Bedford plan had a possible closed area or season to address the spawning concerns. Much of the current effort is targeting spawning concentrations, we feel this is inappropriate. He feels that measures to protect spawning should be in the plan, instead of just in a potential framework action. There has to be ways to avoid the damage being done during spawning. Different areas might call for different time-area closures. They also have lots of concern about the northern/southern fishery, and closed areas not being addressed.

**Kathy Downy** (FV Niagara Falls and seafood dealer) stated her disappointment about the meeting attendance by Council members. Announcements did not go out appropriately. She did not receive an announcement of this meeting. The turn-out may have been better if the meeting was publicized differently.

The time periods in the overfishing definition, on page 3, Mrs. Downey asked if the data for the time periods good enough, why was that particular period chosen? Will the TAL time periods be adjusted to take into account the timing of implementations? On page 4, the two areas had been argued that they are different stocks, but there is an exception for scallopers fishing on the northern side of Georges Bank, but the landings would be counted against the southern area. She also asked, what is the impact with the eight inch mesh in the current exempted area, south of 40°10'N latitude.

Mr. Avila answered that, in addition to the document mailings and other publications, he called many industry people in New Bedford, prior to the meeting. He felt that New Bedford had ample notice of the meeting. Mr. Applegate responded that eight inch mesh was required to minimize the bycatch of groundfish, not as a size-selection measure for monkfish. Since this exemption is fairly recent, sampling is not yet sufficient to analyze those impacts. Mr. Applegate clarified the document language that the scallop trip limit exception was developed in response to industry comments about the proposed trip limits, but landings from those areas

would be counted against the northern TAL by using the Vessel Tracking Reports. The TAL periods have not been adjusted for the anticipated date of implementation, but the Council may consider that adjustment when they deliberate the final amendment. Mr. Applegate further explained how the Technical Working Group arrived at its recommendation on the time periods.

Mrs. Downey suggest that the Council move the TAL dates ahead to take into account the fisheries inability to meet the proposed targets.

**Tony Fernandes:** Regarding the 8 vs. 10 or 12 inch cod end, he asked if there is enough data showing that the 8 inch is not working. He hasn't seen very much groundfish, south of the line, probably 100 pounds on a trip. The 6-inch mesh would catch as much as 400 pounds of groundfish, but the 12-inch mesh is too large. If a bar breaks, it creates a 16-inch hole in the 8-inch net. He would be willing to take observers, to show the benefit of the 8-inch mesh. He opposes 10-square and 12-inch diamond mesh proposal.

With an 8-inch mesh, on a 10-day trip that landed 24,000 pounds of monkfish, he discard about 5 pounds of monkfish with the 11 inch size limit. There was very little groundfish with the 8 inch cod end, mainly whiting and red hake.

**Ronald Enockson** (Eastern Fisheries): He asked if qualification for the limited access permit would be based only on weight, not the percent of landings compared to scallops, for example.

**Mr. Welch** supports alternative 4 because groundfish and monkfish make up 95 percent of his annual income. The groundfish bycatch is less than one percent when monkfishing, and monkfish bycatch is less than two percent when fishing for groundfish. He thinks alternative 4 is better for gillnet fishermen, because the fishery achieves all four objectives. He asserted that the Council did not think monkfish would be included in Amendment 7 when it voted. There are no other alternative fisheries for him instead of monkfish. His business needs additional days to be economic.

Under the alternative 3, the vessels without groundfish days at sea will get additional days to target monkfish, but he would be penalized for having a groundfish permit. He would meet the limited access qualification criteria, but wouldn't get any more days at sea. He has a 38-foot boat, often landing three to four thousand pounds per trip. He favors a springtime closure to be able to target monkfish when they are most valuable, in the fall. He opposes the 80 net limit. The DSEIS clearly states that northern fishermen are fishing much more net than is being proposed. The Gulf of Maine are fishing an average of 170 nets, or 52,000 linear feet. The fishermen in SNE are fishing 72,000 linear feet, which is nowhere near the limits the Council proposes. There is no other gear restrictions for any other portion of the fleet. What he wants are measures that are fair across the board.

The proposed tail size limit does not impact him, since 90 percent of his catch is landed whole and only 7 percent of total catch is medium fish (4 to 6 pounds whole weight). The rest of the landings are large fish. He noted that the Council started framework for offshore gillnets to leave their monkfish gear at sea. He requests that the framework be put in the final plan for gillnetters to leave their gear at sea.

Monkfish gear definition should be 12-inch mesh. The Gulf of Maine monkfish fisheries should have a 12-inch mesh to make certain that there is not a bycatch of groundfish.

**Paul Valent** (dragger fisherman): Commenting on the minimum mesh proposal, he believes that south of 40°10'N latitude there is no need for an increased mesh size. His vessel catches very few groundfish with 8-inch mesh, 4-5 pounds in a 10-day trip. There is no groundfish in that area and they catch about 5-10 pounds of gray sole in 10-day trip. He presently uses 8-inch diamond mesh throughout the net.

**Armando Estudante** (fishing dragger owner, fish processor, belongs to Offshore Mariner's Association): He fishes for monkfish with trawl, both as an incidental and a targeted catch. He prefers alternative 3, because it



is the least harmful of all the alternatives. Mr. Estudante read a prepared statement which follows this summary.

Mr. Estudante asked whether management should regulate more heavily the fishery that catches a lot of large monkfish, or the one that catches many immature fish. He predicted that pretty soon the Council will be left with only professional meeting-goers, not fishermen, because the fishermen will be out of business

**Fernando Fereria** (fisherman on a dragger): On an 8 to 10 day trip, they only catch a few flatfish offshore. The 10 and 12-inch cod end proposal does not make sense.

**Mr. Valent:** Concerning the monkfish size limit, a 14-inch minimum size, is absurd. Fish of that length is almost culled as a large fish. Because of this size limit, vessels would be throwing the small ones away. He thinks the size limit is a poor idea, because it only reduces landings, not catch, a very wasteful strategy.

**Mr. Kendall:** The monkfish management system should be kept separate from the multispecies plan, because it operates as a separate fishery, much like the summer flounder fishery. In the groundfish plan, 6-inch gear is allowed. But directed monkfish trips, vessels would have to use 10-inch mesh. He sees this 'plan within a plan' system as being inconsistent with the concept of the multispecies plan. The only objective he sees that is consistent is trying to reduce further the days at sea that vessels can catch groundfish. Vessels would use up groundfish days chasing monkfish, with gear that is not selective for monkfish that does not catch groundfish. He says the Councils have a mentality of separating gears, which creates no unity within the fisheries. The objectives seem easy to obtain, but the fishermen are put at odds with one another. The alternatives for a particular species causes problems in other fisheries. He believes that there are too many scenarios for different gears and ports.

**Mr. Fernandes** had questions about the examples and why they are all separated. Tom supposed be all around fishermen. Unclear whether Tom would qualify for limited access permit. Why would it be unsure? Because he targeted other species? How is it distinguished between Jeff and Tom?

Mr. Fernandes also asked if a vessel meets the criteria, what would be used? Total weight for those years? Mr. Applegate explained that total weight landed would be used to determine limited access qualification. For individual days, however, the vessel's amount of days absent from port would be used to determine its eligibility for more days above the fleet allocation.

**Mr. Welch** has a multispecies days at sea permit and has a pretty good history of targeting monkfish. He spoke to Mr. Applegate and found out that his vessel would probably qualify for no additional days for monkfish. In order to get additional days, he would have target monkfish during 1988 to 1990, more that he targeted groundfish. What is unfair about alternative 3, is that it hurts the fishermen that targeted monkfish and groundfish. He doesn't believe that the Council would have voted for Amendment 7, if they knew monkfish would be included under it. Mr. Applegate clarified the issue of individual days by giving some examples.

**Harriet Dicdrickson** (boat owner): Talking broadly about the plan, she did not attend every groundfish meeting for Amendment 5. It is pretty hard for fishing people to fight the numbers. The fishermen are not here because they are frustrated by their comments being ignored. She claimed that the overfishing definition triggered the plan. She recommended that the Councils should reconsider the overfishing definition. Alternative 5 has been rejected, but it has not gone out to public hearing. The Council wants to keep their credibility, but they would not keep credibility by pursuing management along this line. The fishermen were not advised that they would not be able to continue on monkfish when Amendment 5 was passed. They should have been told when Amendment 5 passed, that they would not be able to target other species. Hopes that these things should be considered. She recommended that the Councils select the No Action alternative. This proposal is just a numbers game and the industry has not had the time to evaluate the alternatives.

The objective to optimize yield is inconsistent with management that promotes discarding. The plan proposes to prevent increase fishing on immature fish. How can that be proved? What do the comments really mean? The objective to allow incidental catch, she believes is aimed mostly at the scallopers. She quickly looked at "Sam" and felt that the example is an insult to fishing people. The term "true scalloper" is offensive, we fish for dollars. Monkfish have been a traditional catch when fishing in certain areas. She feels that it is an insult to suggest that fishermen would discard the monkfish when they could not process them, as stated in the example.

**Mrs. Downey** stated that it is hard not to feel affronted by the document. One offensive name is on page 12, the multispecies fishermen, is called a madman. There aren't similar names for other fishermen, but the multispecies fishermen is called a madman. It is offensive to us.

The burden for the regulatory process is truly being handled by the multispecies vessels, Mrs. Downey said. It is easier to understand why the northern area is going with multispecies, but the southern area should be give squid days at sea, especially when monkfish are being captured by vessels that do not catch multispecies. It is offensive to us that fishermen were told they would be able to target monkfish. Under the proposed amendment, the impact on the multispecies fishermen does not take into consideration that fishermen were told they would be able to target monkfish instead of groundfish. Management should be more equitable. The Gulf of Maine and the Mid-Atlantic fishermen would carry less of the burden than the ethnic ports, like New Bedford.

The spawning closures do not accurately reflect the spawning times for monkfish. A total closure during May and June would be a more appropriate management option. The qualification criteria should be as liberal as those for the multispecies program. Someone with one pound of monkfish landings could have 88 days to target monkfish. Perhaps we need to be more equitable, and not put entire burden on New Bedford and Gloucester, the multispecies fleet.

**Mr. Kendall** pointed out that the document sometimes makes reference to a TAL, and at other times a target TAL. When is it which, he asked? Mr. Applegate noted that this information was on the first line of table 1 and that the use of the TAL differed with each alternative.

**Mrs. Kvilhaug** - There are two meetings at once, the other being the PDT meeting for scallops. Why do we have to all of a sudden, the scallopers would have to go with much bigger mesh than the draggers, she asked? Much bigger mesh would be uneconomic.

**Pat Kavanaugh** (groundfish boats that target monkfish seasonally): The 14 inch limit is a real big jump and would put a lot of people out of the monkfish fishery. He favors increasing the size limit gradually. The big jump in the size limit would mandate wasteful discards.

**Ellen Skaar** (born a fisherman's daughter and a monkfish's wife): She doesn't think the Council has sufficient data to declare monkfish overfished. Hoshposh put together. She would like to see real scientific data before anything is done about monkfish. It should be taken more seriously because monkfish is an important species for scallopers and draggers to make a living.

**Mr. Enockson** noted that the Councils did some preliminary studies for alternative 3 and asked, who are the majority of vessels that qualify? Mr. Applegate explained that this information is in the Environmental Impact Statement.

**Mr. Kendall** clarified that Mr. Enockson would qualify as a scalloper, but would have to use 10- or 12-inch mesh. He noted that the overfishing definition requires the mortality down below the thresholds and leads to a substantial reduction compared to current landings, by 2/3rds in the northern area and by 1/2 in the southern area. He thought that this information was buried in the document and was hard to understand. It would be

simpler if the fishermen were told how much of a cut individual fishermen would have taken from them. The documents are missing final answer on how much each fishery would be hit.

**Howard Nickerson** (Offshore Mariner's Association): The Councils are doing everything too quick and it all should be postponed until everyone understands it. Mr. Nickerson read from a prepared statement, which follows this meeting summary. Fishermen have given up on meetings, simply because they have not been successful in getting anything that helps them. Fishermen need simple recommendations. Mr. Nickerson resents the increase the number of managed fisheries, when management has been so lousy on the original three managed species.

**Mrs. Didrickson** said she is happy to see general consensus, but this is too hasty. The industry needs more time. Now with the buyback of the net boats, that information was not factored into monkfish plan. At least there should be no action on monkfish, until there is an analysis of the impact of the buyout. This amendment will be very wasteful if it goes forward, she predicted.

**Debra Shrader** (Shore Support) agrees that not very many fishermen have been able to review the monkfish document. She offered to distribute extra documents to fishermen after the meeting.

**Mrs. Didrickson** asked for the Councils to extend the comment period for 30 to 60 days.

**Mr. Kendall** thought that the monkfish committee would not be able to review written comments from New Bedford, since the deadline was the next day after the hearing. Mr. Applegate responded that the next monkfish committee is scheduled on April 9<sup>th</sup> and they would be able to review all the comments submitted during the comment period.

**George Estudante** (monkfish fisherman) asked how long to come out with the proposed measures? He thought it would be reasonable for the industry to take several months to act on the proposed measures. He suggests that there should be more publicity when the Council has these meetings. The industry would be more prepared if they have had sufficient time look at it. Will the comments have any bearing on the outcome, he asked?

By imposing trip limits, the government would be encouraging discarding by allowing 10,000 pounds on a trip if the fishermen could receive \$2 per pound. In order to reach trip limit with the most high valued fish, fishermen would discard many monkfish. If there is a size limit, any mesh would catch juveniles that would be discarded, at any size mesh. He doesn't have an alternative, but he knows that trip limits or size limits are not the way to go, because it increases fishing effort to catch small and large monkfish to land large fish. He favors closing areas to allow fish to spawn and grow. The quotas and limits would increase effort for fishermen to comply with quotas. Maybe keeping some areas closed permanently is a better method to manage fisheries.

**Mr. Kendall** asked how the present closed areas affect monkfish? Mr. Applegate responded that the closed areas accounted for about 9 million pounds of landings from areas that are now closed, but fishing effort intensified in other areas and landings remain at record levels, despite continuing declines in biomass. A 50 to 66 percent reduction, an improvement in the closed areas, but still landing same amount of monkfish. He asked how that can occur with the other changes to management. A reduction in days at sea, less boats, how can landings be the same as before the closure, Mr. Kendall asked? How? The answers do not satisfy the questions.

**Mrs. Didrickson**: Gillnetters mention the size the mesh they are using, but that size mesh may not be appropriate for all fisheries. She feels that all the fisheries that catch monkfish should be evaluated separately. Sea sampling program data is not always given strong weight. She believes that not enough studies have been done. The effect of 8-inch mesh has not been evaluated. She knows that there is more work to be done. The

old numbers are being used. The new management programs should be evaluated before more regulations are put in place.

No additional comments were offered and Mr. Avila closed the hearing at 3:50 p.m.

**NEW ENGLAND FISHERY MANAGEMENT COUNCIL**  
**Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906**  
**617/231-0422 FTS: 617/565-8457**

## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 17, 1997 LOCATION: Seaport Inn, Fairhaven, MA (New Bedford)

CERTIFIED BY: [Signature]

PLEASE PRINT

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Pat Kavanagh	39 Burnham Dr. Falmouth MA	5482629
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Felicio Yourenco		
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Sara Thompson	5 DORCHESTER 22 Prospect St MA	02748
Paul Smith	5 Laurel St Fairhaven MA	02719
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NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
617/231-0422 FTS: 617/565-8457

ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing

DATE: March 17, 1997

LOCATION: Seaport Inn, Fairhaven, MA (New Bedford)

CERTIFIED BY: A J Applegate

PLEASE PRINT

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
<u>Anna Ue. Sandoz</u>	<u>7 Jordan W. C. St.</u>	<u>9920594</u>
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NEW ENGLAND FISHERY MANAGEMENT COUNCIL  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906  
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97-30

## ATTENDANCE SHEET

ATTENDANCE AT: Monkfish Public Hearing  
DATE: March 17, 1997 LOCATION: Seaport Inn, Fairhaven, MA (New Bedford)  
CERTIFIED BY: *[Signature]*

PLEASE PRINT

Telephone

Name

Mailing Address

Rodney Avila\*

Andy Applegate

*RMA*  
*[Signature]*





## **12.3 Supplemental Public Hearings**

### **12.3.1 Atlantic City, NJ – January 28, 1998**

Mr. Smith, the monkfish oversight committee chairman, opened the hearing at 1900 hours and gave an overview of the preferred and non-preferred alternatives. After reviewing the process and the Council intent to submit final management measures after the public hearings, Mr. Smith explained the key management measures, and asked for comments on each section.

Attending Council-members included Mr. Anthony DeLernia (MAFMC), Mr. James O'Malley (NEFMC), Mr. James Gilford (MAFMC), Mr. Dusty Rhodes (MAFMC), Mr. James Douglas (MAFMC), Mr. Bruce Freeman (MAFMC), Mr. John Bryson, and Mr. Rick Savage (MAFMC), Mr. Charles Bergman (MAFMC), and Mr. Alan Weiss (MAFMC).

#### **General comments:**

Mr. Jim Brindley, gillnet vessel owner from Barnegat Light, NJ, pointed out that the public hearing document indicates that the non-preferred alternative is less restrictive, because it qualifies more vessels. How do you know that the preferred alternative, having three years with no trip limit, is more restrictive than the non-preferred alternative, with a 300-pound trip limit, he asked. He said that the preferred alternative, doesn't treat the Mid-Atlantic vessels fairly..

Mr. Mike Tevis, owner of the gillnet boat "Osprey", indicated that the public hearing document says that about 32 small vessels would qualify, yet everything is designed to put these vessels out of business in three years. Other vessels, however, can continue to fish for other species, with a monkfish bycatch. He thought that the preferred alternative looks like a land-grab. He feels that eliminating the directed fishery is unfair. The fishermen that are for conservation by trip limits or days-at-sea limits are being pushed out by the preferred alternative.

#### **Comments on Section A:**

Mr. Kevin Wark, a gillnet fishermen from Barnegat Light, said that the intent of #7 is ok, but fishermen use larger mesh for other species like skates and sharks. The measure should prohibit retention of monkfish when using mesh larger than 8 inches and not on a day-at-sea. He advised that the existing measure would eliminate other fisheries that use large gillnet mesh. Some people use 10-inch mesh for targeting monkfish, so the 8-inch mesh is probably the right size for this measure.

Mr. Jim Brindley added that he uses gillnet to target sharks in the summertime with mesh larger than 8-inches and he does not catch monkfish.

Mr. Bruce Freeman, noted that the provisions in section A, included a request to form a new geographical area. He emphasized that the Councils need comment from the fishermen on the different boundary.

Mr. James Fletcher asked why the public hearing document proposes different size limits in the northern area and the southern area, since the same species occurs in each area. Mr. Smith answered that there are two stock areas and there appears to be a different discard mortality rate in the two areas. Mr. Fletcher would like to see some science to support the difference, since the discard mortality appears to be lower in colder water, not the other way around. He said that the Councils needs to demonstrate different growth rates or other reasons to support the higher minimum size in the south.

Mr. Kurt Larson, a Barnegat Light, NJ scallop boat owner, was concerned about having two different minimum size limits, 11-inches in the north and 14-inches in the south. He asked what would happen if a scallop boat fishes in the northern area and then unloads in NJ, in the southern area. He could see enforcement and compliance problems with

the dual size limit, because some of his boats fished in both areas during a single trip. Mr. Freeman clarified that fish landed in NJ would have to be at least 14 inches, regardless of where they were caught, because NJ enforces a landing limit.

Mr. Dan Cohen agreed with Mr. Larson that for a scalloper, the differential size limit would create difficulties. He is furthermore philosophically against throwing over dead fish and not counting the mortality caused by discarding. He noted that a new provision of Magnuson Act is to eliminate bycatch.

Mr. Brindley is in favor of a separate TAC for the area west of 72°30' W, so that the management measures in the Mid-Atlantic are recognized and can be monitored.

Mr. Cohen added that he thinks the 11-inch size limit is helpful and pointed out that the scallopers are landing the 11-inch fish. If the Councils adopt a 14-inch minimum size, he predicted that the scallopers would be throwing over fish between 11 and 14 inches. He favors a 14-inch size limit for gillnet vessels, because they catch larger fish. He emphasized that reductions in the scallop days-at-sea have contributed to monkfish conservation, because the scallop vessels are fishing less. Future scallop days-at-sea reductions will provide more monkfish conservation, he predicted.

Mr. William Leach, a Barnegat Light gillnetter, asked if there was a Mid-Atlantic TAC, would the New England boats have to stay in their own zone. He favored making vessels over 51-grt stay in their own zone. Mr. O'Malley explained that fewer vessels would be burning days-at-sea to travel to the southern area, where under current regulations the vessels are forced into the Mid-Atlantic when they fish for monkfish outside of the days-at-sea program.

Dr. Tom Hoff pointed out that the Mid-Atlantic take reduction team recommended the line separating the Mid-Atlantic and New England Council management zones for different gillnet regulations to protect harbor porpoise. He asked why the monkfish committee is not using the Council line to distinguish between the monkfish management zones, so that the monkfish rules would be compatible.

#### **Comments on Section B:**

Mr. Jim Brindley thought that the non-preferred alternative would be fairer for all vessels involved. He believes that the non-preferred alternative qualification criteria are more equitable, because they would prevent the large groundfish vessel from fishing in the southern areas.

Mr. Wark also supported the non-preferred alternative qualification criteria.

Mr. Cohen also supported the non-preferred alternative qualification criteria, saying that they would be fairer for everyone. It seems unfair that someone must meet a number of trips to qualify, he thought. Vessels should be able to qualify with any combination of trips and pounds.

Mr. Tim Brindley asked about the monkfish bycatch limits when fishing for dogfish. Mr. Smith replied that this was specified in Section E and it would allow him to keep monkfish up to 5 percent of total weight of fish onboard.

Mr. Jim Brindley pointed out that the proposed measures have no trip limit for days-at-sea vessels that qualify. He prefers a trip limit of 300 pounds for all qualifiers, to prevent northern vessels coming south to fish with no trip limit. He would like to see the trip limit west of 72°30' and it should apply to monkfish-only and groundfish permit holders.

Mr. Paul Puskas, a gillnet boat owner and operator from Barnegat Light, NJ, doesn't want to be out of business if a northern groundfish boat is allowed to come south and fish for monkfish.

Mr. Charles Bergman also noted that the net limits set by the take reduction team conflicts with the number of nets allowed east of 72°30' W in the monkfish amendment.

Mr. Larson added that to have two different limits on nets would create a disadvantage for vessels that fish east of the line. It might cause problems if it is necessary to later re-qualify for fishing for monkfish at a later date, he added.

Mr. Jim Brindley said that the 50 net proposal is an acceptable limit that goes along with the 300-pound trip limit. Fishermen do not need more than 50 nets to catch the proposed trip limit. He is in favor of the non-preferred alternative net limit when combined with the proposed trip limit.

Mr. Wark supported the non-preferred alternative net limit, but does not want a run-away situation if there is no trip limit. He preferred a management measure that sets the same number of nets for groundfish and monkfish vessels. The lower net limit should go hand in hand with the 300 pound trip limit, he emphasized.

Mr. Tevis said that he is willing to take cuts to save our future, not if they are going to be shut down anyway and have no days-at-sea in year 4.

#### **Comments on Section C:**

Mr. Cohen re-emphasized that the non-preferred alternative qualification criteria is the only one that is fair to everyone. He noted that a whole change in fishing strategy would be required by dredge vessels to target monkfish, under the proposed management measures. He doesn't think that the overall impact of vessels using scallop days-at-sea to target monkfish would be that great, since few fishermen would change their vessels to use nets and target monkfish with their scallop days.

Mr. Fletcher, United National Fishermen's Association, said that if the qualifying period is left from 1991-1995, it has further restricted the vessels' ability to meet the qualification criteria and it creates another inequity. Part time or occasional vessels could not get the trips and the pounds to qualify because their days-at-sea were limited during the monkfish qualification period. He said that these vessels would be caused to discard the fish they catch during a scallop day, because they did not qualify for monkfish limited access. Mr. O'Malley pointed out that there is a provision for individual monkfish-only days-at-sea for combination scallopers and it would relieve the situation for net vessels. Mr. Fletcher replied that the trawl vessels do not have multispecies days-at-sea, but they would not qualify for monkfish because they were restricted in their scallop days-at-sea during the qualification period. He believes that the net boats should be exempted or automatically qualify for monkfish limited access.

Mr. Cohen favored setting a minimum size for the gear, not by area. The minimum size should correspond to the size caught by the gear, otherwise the minimum size should apply throughout the range, he said.

Mr. Jim Brindley was not real happy about the scalloper being able to switch to gillnets without a trip limit and target monkfish in the south. He believes the trip limit should apply, no matter what gear is used by a vessel in any permit category. A gillnetter in RI would not be able to understand where he stands, and he asked if the RI vessel would also be able to declare into a trip limit fishery and continue targeting monkfish after year 4. He thinks it unfair that fishermen to the north would not be able to declare into the trip limit fishery.

Mr. Larson emphasized that it is very important for the directed fishery to continue after year four, even if it takes greater restrictions up front for them to continue.

Mr. Cohen added that it doesn't make sense to go to 200 pounds bycatch in a rebounding fishery, and that observer coverage would show that the framework adjustment should raise, rather than lower, the trip limit.

#### **Comments on Section D:**

Mr. Wark was in favor of the non-preferred alternative with the 40 days-at-sea and the 300-pound per days-at-sea trip limit.

Mr. Jim Brindley also favored the non-preferred alternative, with the 300-pound tail weight limit, but would like to see the same trip limit for multispecies vessels fishing west of 72°30' longitude.

Mr. Leach, Mr. Puskas, and Mr. Tevis agreed with the 300-pound trip limit to support a sustainable fishery.

Mr. Leach said that he already upgraded his vessel by more than the horsepower requirement in the multispecies plan, and that this conflicted with the permit restrictions in the amendment. Ms. Pat Kurkul clarified that the control date notice setting limits on upgrading are guidelines, but the fishery regulations cannot be retroactive. The upgrade limits would, therefore, become effective when the amendment is implemented.

Mr. Cohen doesn't believe that the vessel size should matter in a gillnet fishery, since the amount of fishing effort would be controlled by net limits and trip limits. Mr. Tevis added that a few feet of difference in vessel size would not change fishing capacity of the vessel.

Mr. Fletcher asked why have the trip limit per trip to benefit the smaller vessel? He preferred a per day limit to allow larger, offshore vessels that take longer trips to keep their bycatch. Another problem with the qualification criteria, he said, is for the vessels in NC, since previous proposals since the control date notice had the management line stop at NC/VA border. There a number of gillnetters in NC that will not qualify and would not be allowed to fish in their own fishery. He said that the plan needs a provision to allow the Carolina fishermen to fish in their own back yard. He re-emphasized that the scoping document reflected that the management plan stopped at the Virginia line. He thought there should be some consideration for the NC vessels, if the management boundary is moved to the south and they are included in the new regulations.

Ms. Kurkul asked if there was a cap on the bycatch limit, for example 5% or 200 pounds per trip. She noted that the current language implies that there could be high landings of monkfish, when landings of other species are high. She was unsure about the footnote.

#### **Comments on Section F (Frameworks):**

Mr. James Douglas asked why there was a six-month waiting period to establish spawning area closures? Why couldn't the Councils identify those areas now and include them in the plan?

Mr. Cohen thought that Section F should include a shorter review period, than waiting for three years. In the scallop plan, the third year review did not take place, and it was intended allow the management action to occur in year four. The review should use a full three years of data, before taking action, he thought.

Dr. Hoff said that the framework procedure should include changes in twine size. Twine size was very important to reducing the take of harbor porpoise. He added that item K should be revised to include the management measures used by the Mid-Atlantic harbor porpoise take reduction team. He added that the essential fish habitat review may include an identification of spawning habitat, therefore the spawning framework could be folded into the SFA amendment.

Mr. Larson pointed out that if the scallop days-at-sea are allowed to be leased to other fishermen, it might be necessary to include the leasing provision in the monkfish plan. Mr. Smith replied that the transfer of the monkfish rights would happen automatically, because the monkfish amendment would allow a scalloper to use scallop days-at-sea to target monkfish, no matter who they are assigned to.

Mr. Puskus stated that monkfish spawn off of NJ. He preferred having the plan set management lines to preserve monkfish in each area.

Mr. Tevis confirmed Dr. Hoff's statement about twine size. He fishes heavy mesh net with 12-inch mesh and he rarely catches harbor porpoise.

Ms. Sonia Fordham, Center for Marine Conservation read from a prepared statement. She was concerned that the four-year schedule is risky and ten years is too long to rebuild the fishery. She urged the Councils to move forward as expeditiously as possible to rebuild the monkfish stocks. She added that the adaptive process would be crucial to success of the monkfish plan.

Mr. Fletcher said that he would like an explanation of why we are still in an overfished condition, when 22 percent of the area is closed to fishing.

No more comments were offered and Mr. Smith closed the meeting at 9:45 p.m.



New England Fishery Management Council  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906

ATTENDANCE SHEET  
Travel Authorization # 98-32

ATTENDANCE AT: Monkfish Public Hearing

DATE: January 28, 1998

LOCATION: Sheraton Atlantic City, Atlantic City, NJ

CERTIFIED BY: \_\_\_\_\_

*Andrew J. Applegate*

PLEASE PARTICIPANTS

PLEASE SIGN, INCLUDE ADDRESS & PHONE

Eric Smith

*EMS*

Andrew Applegate

*afu*

New England Fishery Management Council  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906

ATTENDANCE SHEET  
Travel Authorization # 98-32

ATTENDANCE AT: Monkfish Public Hearing

DATE: January 28, 1998

LOCATION: Sheraton Atlantic City, Atlantic City, NJ

CERTIFIED BY: Andrew J. Applegate

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New England Fishery Management Council  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906

ATTENDANCE SHEET  
Travel Authorization # 98-32

ATTENDANCE AT: Monkfish Public Hearing

DATE: January 28, 1998

LOCATION: Sheraton Atlantic City, Atlantic City, NJ

CERTIFIED BY: *Carl J. Zylante*

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Jon Montfort	209 5th St Pt. Barre, VT 05006
LCDR PEB Bryant	Commander (Able) 431 Crawford St Portsmouth VA 23704
Sonya Fordham	Center for Marine Conservation, DC

New England Fishery Management Council  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906

ATTENDANCE SHEET  
Travel Authorization # 98-32

ATTENDANCE AT: Monkfish Public Hearing

DATE: January 28, 1998

LOCATION: Sheraton Atlantic City, Atlantic City, NJ

CERTIFIED BY: \_\_\_\_\_

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### 12.3.2 Fall River, MA – January 29, 1998

Mr. Smith, the monkfish oversight committee chairman, opened the hearing at 1900 hours. and gave an overview of the preferred and non-preferred alternatives. After reviewing the process and the Council intent to submit final management measures after the public hearings, Mr. Smith explained the key management measures, and asked for comments on each section.

Attending Council-members included Mr. James Kendall (NEFMC) and Mr. David Borden (NEFMC).

#### Comments on Section A and general comments on the amendment:

Mrs. Hariet Didrickson said that she questions area closure in A6. The benefits of prices may not occur because the fish do not appear in that area when the prices are higher in October. She felt that the effect of the proposed management measures is to cut landings from the area down. Liver prices change, depending on foreign demand, she noted. She preferred a longer span of months when fishermen could work in the deep water, so that they could choose when they wanted to fish there. She suggested allowing the opening to run from October to the end of February. She added that the new agreements for lobstering change when people fish in the deep water area.

Dr. Daniel Georgianna, a professor of economics at Umass-Dartmouth, said that Dr. Eric Thundberg supplied landings data. Dr. Georgianna surveyed vessels and dealers for cost and production data for 1992 to 1996. His data show increases in catch for the port, especially the catch of livers and whole monkfish. He said that the figures for New Bedford show that draggers switched from targeting groundfish to targeting monkfish during this time period.

He said that our conclusions on page 14 were that New Bedford lands 1/3rd of the total U.S. monkfish landings. The monkfish landings increased from 4% to 10% of the value of landings in the port of New Bedford, partly due to decreases in the total revenue from other species. Many vessels have remained economic because of monkfish, he claimed. He sees few alternatives to monkfish for these vessels, due to restrictions in days-at-sea and declining stocks. He said that there would be a significant cost to New Bedford caused by the investment in gear to pursue monkfish. He estimate that about 50 vessels have spend \$40,000 to \$50,000 each to buy new gear and convert the vessels to fish for monkfish. His data show that 200 to 250 New Bedford fishermen are employed in the monkfish fishery. A conservative estimate, he offered of wholesale value of monkfish landed in New Bedford is \$4.5 million. He added that there are few alternatives to landing monkfish for the New Bedford processors. He said that monkfish prices remained high, indicating strong demand and landings increased in response to higher prices.

He hoped that the monkfish plan is not another open door (for fishermen) that is shut by Amendment 9.

Mrs. Kathy Downey, Trio Algarvie of New Bedford, said that the impact on the dragger fleet, on page 8 of Dr. Georgianna's report, highlights any impacts that would occur on the dragger fleet. She said that landings of monkfish increased from 1 million pounds in 1992 to 2.5 pounds in 1996. The purpose of the increase in landings is for vessels to remain solvent, given the other fisheries regulations, and that should not be overlooked by the Councils.

Mrs. Didrickson said that the offshore boats have been reporting their monkfish catches all along, since they were in the limited access fishery. NMFS should have good data on fishing activity and they should also data on the vessels that have left the port through the buyback program.

#### Comments on Section B:

Mr. Greg Duckworth, a gillnet vessel owner from Pt. Judith, said that there has been a change from the last public hearing document. It is difficult to understand why the plan allows a large dragger to qualify for monkfish limited access with only 7,500 pounds of tails, while small vessels in the monkfish fishery would need 50,000 pounds. He preferred that the large draggers should qualify with 50,000 pounds, the same as other monkfish vessels. Small vessels should be able to qualify by showing 7,500 pounds or tails. He believed that everyone should be on the same playing field.

Mr. Dean Pesante agreed with Mr. Duckworth, the larger vessels should have to qualify by showing landings at the higher level. It doesn't make sense for a 95-foot dragger to qualify with only 7,500 pounds, he claimed. Anybody with a large vessel that should qualify for monkfish days should be able to show landings of at least 50,000 pounds.

Kathy Downey countered that Amendment 5 went into effect about eight months before the control date. The large draggers were dependent on multispecies, but had to pursue other fish, like monkfish during that short window and may not qualify at the higher amount. She thinks that the 7,500 pound qualification criteria is reasonable, because the large draggers only began targeting monkfish during an eight-month window.

Mr. William MacIntosh, a gillnetter from Seconic Point, said he has a 31-foot boat, and began targeting monkfish when the codfish disappeared. Monkfish catches have since dropped and he is competing against much larger vessels. The large vessels are catching the same monkfish, he emphasized. He claimed that New England has a small boat, small harbor fishery. Now it is getting harder to make ends meet by targeting monkfish. He believes that the small boat fleet has to be protected. There is a huge number of large vessels entering the Southern New England monkfish fishery, but there has to be something to prevent vessels from coming in and ruining the fishery for the traditional fishery. He urged the Councils to investigate more about vessels that have caught a few monkfish as a bycatch, so that the management measures do not create a discard problem.

Mr. Duckworth felt that everyone should have the same qualification criteria, because vessels are fishing by different means. He had a multispecies permit, but gave it up because he wanted to target monkfish. He is opposed to the 7,500 pound qualification criteria, because those vessels would be able to target monkfish for 88 days with no trip limit, but other vessels would have to cut back their fishing effort to only 40 days, possibly with a 300 pounds per day trip limit.

Mrs. Didrickson noted that any vessel with a multispecies or scallop license will have to use days to target monkfish that they already earned for multispecies or scallop days. Are we going to be given days, if we have to qualify under the higher 50,000 pound limit, she asked? She believes that the allocation of days should be spread among all qualifying vessels.

Mark ? from Seconic Point said that if we had quotas for each vessel, we would have a business. He is opposed to plans that allow everyone to do as they please. He prefers management measures that give fishermen a certain amount per day or for each vessel.

Mr. Duckworth asked for a vessel with multispecies permit and qualifies for monkfish, if a vessel that is a dragger could rerig to fish a gillnet for 88 days? He commented that the vessel should only be allowed to use 40 days to target monkfish with gillnets. This restriction could help the situation so that zero days are not necessary in year 4, he hoped.

Mr. Pesante recommended that the Councils adopt a 12-inch mesh minimum for vessels using gillnets, even if it requires a little time for people to make the change. Mr. Duckworth also preferred a 12-inch minimum gillnet mesh, because there is a significant effect on size selectivity.

Mr. Paul Volant, a dragger vessel fisherman from New Bedford noted that if fishermen are required to use a 12-inch mesh, a break of a bar in the net would create a 2-foot whole in the net. He thought that an 8-inch mesh is a satisfactory minimum mesh size.

#### Comments on Section C:

Mr. Roy Enockson asked if scallopers that qualify need to show that they used a net to target monkfish? Mr. Smith replied that a scalloper would only have to show landings using any gear, including dredges. Mr. Enockson added that the 200 pound per day at sea trip limit, with the 25 percent, is not fair. He preferred not having a percentage limit, since it will be difficult to target monkfish with only a 200 pound per days-at-sea limit anyway.

Mrs. Didrickson restated that if there are monkfish-only days allocated by the Councils, she believes that anybody that qualifies should get the monkfish-only days. Some vessels qualify, but they don't have the same access to the

fishery as vessels in other fisheries. She also preferred to allow 10 years for rebuilding, to reduce the impacts of conservation on the fishery. She thought that the Councils should give the social impacts greater consideration. In New Bedford and in Maine, there have been 78 vessels that have left the fishery through the buyback program, she pointed out. She has no faith in the numbers and the analyses, and thinks a slower approach is needed. She said that management can take a chance with the biology, or we can ruin all the fishing communities.

Kathy Downey asked if it is necessary to stop overfishing in only four years.

Mr. MacIntosh pointed out that all vessels are catching the same fish. If he is limited to 40 days, then he believes that scallopers should be limited to 40 days to target monkfish. A scalloper should not be able to fish for monkfish for the entire number of annual scallop days-at-sea, currently 142 days.

#### **Comments on Section D:**

Mr. Duckworth stated that in a perfect world, he would prefer earlier limits and allow the fishery to continue longer, but he thinks that the vessels are not being treated equally. He will have to cut to 40 days, but 300 pounds for 40 days per year would put him out of business. There are a lot of other areas to achieve conservation in the plan, he claimed, by limiting the number of days that other vessels can target monkfish. Its not a fair reduction for a gillnet vessel to get 40 days with a 300 pound trip limit, when another vessel can fish for monkfish over 88 days without a trip limit.

Mr. MacIntosh asked if there would be different monkfish tags. Mr. Smith replied that the a vessel with a multispecies permit would get one set of tags to apply to any combination of groundfish or monkfish nets.

Mrs. Didrickson, commenting on closed seasons, believed that the lobster area closures have not been included in the analysis. There is a great lack of confidence in the analyses, she claimed. Don't know how monkfish landings will be affected by the agreement with the lobster fishermen. That area closure moves dragger fishermen from areas where they used ot catch monkfish. The framework process does not give sufficient notice to keep fishermen in the abbreviated process, through greater time and more notice about potential management changes. She does not think that the Council should be able to make the first framework meeting the one that a management idea has come up. The Council should have a greater obligation to involve the industry in the framework process.

#### **Comments on Section E:**

Mr. MacIntosh asked about using 6 or 7 inch mesh in the gillnet fishery for flounder and fluke, what would be the bycatch trip limit? Mr. Smith replied that 5 percent of the total weight of fish onboard would apply for when he is fishing for fluke. Otherwise he would have to use a multispecies day to retain groundfish or monkfish.

Mrs. Downey asked if someone with a multispecies license, fishing in another fishery, would have to use a days-at-sea if they were to retain any monkfish. This section indicates they could keep some monkfish when they are in another fishery.

#### **Comments on Section F:**

Mr. Duckworth predicted that the framework to protect monkfish spawning areas may create problems for small boat gillnetters, because the spawning closure might force the small vessels to fish in the fall, when weather is bad. There won't be many people that will take their monkfish days in the spring, he claimed, but the small vessels should be allowed to fish then, when that is the most viable season for them. There are other restrictions for protecting harbor porpoise that affect when they can fish, besides the 20 day block out of the monkfish fishery, he noted. Mr. Pesante added that the Councils should come up with another way besides closed areas or seasons to protect spawning fish, for example a seasonal trip limit.

No more comments were offered and Mr. Smith closed the meeting at 8:45 p.m.



New England Fishery Management Council  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906

ATTENDANCE SHEET  
Travel Authorization # 98-33

ATTENDANCE AT: Monkfish Public Hearing

DATE: January 29, 1998

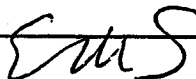
LOCATION: Days Inn, Fall River, MA

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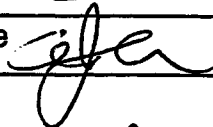
PLEASE PARTICIPANTS

PLEASE SIGN, INCLUDE ADDRESS & PHONE

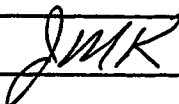
Eric Smith



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Chris Kellogg

Jim Kendall 

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New England Fishery Management Council  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906

ATTENDANCE SHEET  
Travel Authorization # 98-33

ATTENDANCE AT: Monkfish Public Hearing

DATE: January 29, 1998

LOCATION: Days Inn, Fall River, MA

CERTIFIED BY: *A. J. Cygler*

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### 12.3.3 Portsmouth, NH – January 30, 1998

Mr. Smith, the monkfish oversight committee chairman, opened the hearing at 7:15 p.m. and gave an overview of the preferred and non-preferred alternatives. It was reported that some fishermen were unable to attend the hearing, because the northern shrimp season was opened and the auction would be held at 9:00 p.m. in Portland, ME. After reviewing the process and the Council intent to submit final management measures after the public hearings, Mr. Smith explained the key management measures, and asked for comments on each section.

Attending Council-members included Mr. James Kendall (NEFMC), Mr. Eric Anderson (NEFMC), Ms. Barbara Stevenson (MAFMC), Mr. John Williamson (NEFMC), and Mr. Bruce Smith (NEFMC).

#### General comments:

Ms. Stevenson said it is unclear how the non-preferred alternative would work. Would the Mid-Atlantic fishermen declare into a more restrictive fishery, or would the limits only apply to the Mid-Atlantic area regardless of who was fishing there. She thought the issue of what restrictions would apply in year 4 was a resource health issue, because the conditions might be better in year 4 if the management measures in years 1 to 3 are more restrictive. She doesn't think that an individual fisherman should choose to participate only in the Mid-Atlantic monkfish fishery, with the more restrictive measures, but rather anyone should be able to fish in the Mid-Atlantic and the more restrictive measures would apply when they fished there. Mr. Smith replied that the Mid-Atlantic fishermen are concerned about other fishermen crossing the line after year 4, when those fishermen did not fish under more restrictive measures in the first three years.

Several people asked questions about whether the 25 percent of total weight of fish onboard applies to tails, whole, and if it includes livers. There was quite a bit of confusion if there would be a higher allowance than 25 percent of total weight of fish onboard if the monkfish are landed whole. Mr. Smith explained that the 25 percent would apply to all forms of monkfish, but the committee would reconsider the issue if there were comments on it. Some fishermen commented that the 25 percent limit would encourage fishermen to cut tails and eliminate the whole fish market.

Mr. Jeremy Davis asked about how the committee came up with a 7,500-pound criteria. Mr. Smith replied that the committee chose the amount based on the amount of vessels that qualified and their characteristics.

Mrs. Maggie Raymond, Associated Fisheries of Maine, commented that in general the final proposal is a good plan to protect the monkfish resource. She urged the Councils not to make the qualification criteria any higher than 7,500 pounds, because too few vessels that rely on monkfish landings would qualify. Do not make the minimum size any larger than 11-inches in the northern area, she said. During year 4, the non-qualifying vessels stay the same [have the same trip limit as they had in years 1 to 3], but the qualifying vessels should go under a trip limit in year 4 if more conservation is necessary. She thought the Councils should monitor the landings of the non-qualifying vessels in the northern area. The Council might consider reducing the trip limit for the non-qualifying vessels in year 4, depending on what they landed during years 1 to 3. We also need to carefully monitor the liver to tail ratio, she claimed, because generally the ratio is generally not as high as proposed in the plan. The Councils should not create an incentive to keep livers and discard fish, with a high (25%) liver to tail ratio.

Mr. Smith asked the attendees to comment about the size limit. If the plan reviewers reject two different size limits, what should we do, he asked? Mrs. Raymond responded that the mesh size does not allow groundfish fishing to accommodate a larger monkfish minimum size. The tows occur in the mud and the monkfish are in poor condition when they are sorted on deck. She urged the Councils to justify the dual size limit to the federal reviewers. A 14-inch size would not contribute to conservation at all, she claimed.

#### Comments on Section A:

Mr. Bud Fernandes, president of Portsmouth Fish Coop, commented on provision A7. Boats that don't qualify that have used 10 or 12-inch gillnets to target monkfish and other species. Under the proposed measures, they could not use them even if they do not exceed the 25 percent limit. It is not fair to cut the small boat gillnetter completely out of the fishery, he said. It would help if the provision said that vessels could not retain monkfish while using a large mesh while not on a day-at-sea. The current provision is unfair to the small boat fishermen that do not qualify for monkfish limited access. The small boat, part-time directed fishery, should be allowed to use large mesh as long as the trip doesn't go over the 25 percent trip limit. He thought that only a handful of the small boats would qualify for monkfish limited access.

Mr. Jerry Davis said that he bought monkfish nets in 1993, as an experiment. He now has 150 monkfish nets, and he might not be able to use them, because he doesn't know if he has 7,500 pounds to qualify for monkfish limited access. He now catches 1,500-2,000 pounds of monkfish per trip, but he will be limited to only 300 pounds tail-weight per day-at-sea. He claimed that the Councils don't let the rules passed with Amendment 7 have an effect, and already the Councils are changing the rules. Enough is enough, let's see what happens, he said. He thinks the Councils are against the fishermen.

Mr. David Goethel, FV Ellen & Diane, said that the plan is pretty good and is a lot fairer than the proposal during the first round of public hearings. Quite a bit of the problem is the time lag, between the development of measures and when they would actually take effect. The fishermen have bought gear to target monkfish in the meantime, he pointed out. He commented that there should be a minimum daily limit, such as 150 pounds per day-at-sea, rather than some percentage for the trip limit. Percentages are difficult for fishermen to figure out when they are at sea, he said. He commented that the Councils should set a minimum poundage. Due to trip limits for other species, the monkfish limit as a percentage of total landings would therefore be a fixed amount. He explained that the cod limit in the Gulf of Maine would drive the monkfish limit lower than the proposed 300 pounds tail-weight per day-at-sea.

Mr. Goethel also commented that the qualification criteria may be affected by the minimum size [implemented by some states during the qualification period]. Landings may have been reduced by the size limit during the qualification period. He thought it is better to recognize the fishing activity that has always occurred, rather than turn it over entirely to the directed fishery.

Mr. Eric Anderson, a Portsmouth gillnet fishermen, commented that the complications of the two size limits may cause an enforcement and administrative burden. The Councils may have to single-out the most advantageous minimum size for all areas. If necessary, the size limit might have to be a single number that is best for the resource. An incremental approach, increasing the size limit over time, may be an acceptable alternative, he thought. He is confused by the philosophy about making monkfish one of the regulated groundfish, after rebuilding occurs. That goal should probably be long-range. Having qualification criteria unfortunately creates a situation of "the haves and the have-nots", he said. Fishermen in this area were making a transition during that time period, Mr. Anderson pointed out, but mostly the transition occurred during the latter end of the 1991 to 1995 qualification period. Some vessels that are now targeting monkfish may not, as a result, do not have enough monkfish landings to qualify for limited access. Not long ago, the monkfish proposal would have allowed all multispecies vessels to qualify, he said. Mr. Anderson predicted that there will be a lot of non-qualifiers that are currently targeting monkfish.

Commenting on the gear restrictions, Mr. Anderson said that the non-qualifiers would be allowed a 300-pound per day-at-sea landing limit. The gillnet restriction in provision A7 is not appropriate and it should be eliminated from the document, he urged. A non-qualifier will have a 300-pound trip limit, when targeting other species for over 8-inch mesh. Ms. Stevenson explained that there was a lot of pressure in the southern area to ensure that the only people that could target monkfish would be the monkfish qualifiers. Mr. Anderson claimed that the trip limit sets a limit on the ability to target monkfish. The boats should be able to compliment their catch of codfish with a little monkfish. He thought that it is appropriate for a small, directed fishery by non-qualifiers to develop, if the fishermen are required to stay within a trip limit.

Mr. Carl Bouchard, FV Stormy Weather, supports the 150-pound idea. The limit should be 25 percent of total weight of fish onboard or 150 pounds, whichever is greater. He thought that fishermen should be able to land at

least 150 pounds. He asked if there was an allowance for vessels when the size limit prevents some vessels from qualifying. He favored a 150-pound trip limit. Mr. Bouchard said that some of his gear is set up for monkfish, but he doesn't believe he would qualify, even though up to 50 percent of his landings in some seasons are monkfish.

Ms. Stevenson, speaking for herself only, commented that 50 percent of the catch in the southern area is under 14-inches. She said that the Councils should pick an 11-inch size limit, if only one size limit is acceptable. She thinks that having two size limits by area would work, however. She believes that 25 percent of the liver ratio is too high and would encourage cutting livers [and discarding the remaining carcass]. The gear restriction in provision A7 should only apply in the south, Ms. Stevenson commented. Under the proposal, non-qualifying vessels in the north could only fish in exempted fishery. When they are using their days-at-sea, therefore, the vessels should be able to use any legal gear and keep their monkfish bycatch.

#### **Comments on Section B:**

Ms. Stevenson prefers that any groundfish permit should automatically qualify. In lieu of that choice, she prefers the preferred approach. Mr. Anderson agreed that all multispecies vessel should qualify for monkfish limited access, but otherwise agrees with the preferred alternative, i.e. 7,500 pounds.

Mr. Goethel asked about boats that the permits were transferred to new fishermen via vessel sale after 1995. What if the new owner cannot get the records to prove that the vessel qualifies for monkfish limited access, he asked. Ms. Stevenson explained that some people bought multispecies vessels that did not have monkfish history, because the previous proposal would have allowed all multispecies vessels to qualify for monkfish limited access. Under the current proposal, the multispecies vessels would have to show landings of 7,500 pounds, but the new owners do not have records or the vessel did not fish for monkfish.

Mr. Kendall explained that this provision also affects the guys that started fishing for monkfish after the control date, whether or not there was a change in ownership. Ms. Stevenson stated that the same thing [making an allowance for new fishermen that target monkfish] could be achieved by treating the non-qualifiers and qualifiers with multispecies permits alike.

Mr. Fernandes thought there are problems with meshing the north and the south with different regulations. He believed that 75 percent of the vessels would not qualify. Monkfishing makes the difference between a profitable trip, or operating at a loss. He thought that there should be an appeals process if the vessel has targeted monkfish, but cannot meet the 7,500-pound qualification criteria.

Mr. Tom Eaton, a full and part-time scalloper, said that he gave up his full-time scallop permit to keep his multispecies permit. He frequently scallops [under a general category scallop permit] off of Cape Cod and caught a lot of monkfish as a bycatch. He explained that his vessel is currently rigged to fish in state waters with the 400-pound scallop possession limit with a 5 ½ foot drag. He said he can make a living with a combination of 400 pounds of scallops and the monkfish bycatch. Ms. Stevenson explained that the problem [not being able to keep 300 pounds per day-at-sea as a bycatch] is that he cannot use a multispecies days-at-sea while he is using a scallop drag to target scallops and monkfish. Mr. Eaton believes that he will not have enough monkfish landings to qualify for limited access. He thinks that 150 pounds of tails per day might be enough to accommodate his bycatch, while using a small dredge to target sea scallops.

Mr. Anderson was concerned about provision B5, that the non-preferred alternative is included. His strong recommendation is to reject the non-preferred alternative, because fishermen could not fish in the Mid-Atlantic if they receive 160 tags and fished in the northern area. Commenting on item 3, he asked why the 25 percent trip limit selected? Mr. Smith replied that it was chosen to prevent the 300 pounds limit allowing a targeted monkfish fishery. Mr. Anderson said that the percentage limit creates an at-sea nightmare for fishermen, since they would have to figure out whether they comply with the regulations. He doesn't think a directed fishery would develop under a 300 pound per days-at-sea limit, because the non-qualifiers would have to use precious days-at-sea to target monkfish

with only a 300 pounds per days-at-sea. He preferred establishing only a 300 pound limit. He supports a higher limit for non-qualifying vessels that fish in the northern area.

**Comments on Section F:**

Mr. Anderson asked why the seasonal closures provisions says that vessels could not target monkfish during the 20 day block out of the fishery. Mr. Smith explained that the vessels could be fishing in another fishery, and they would be allowed to land a small bycatch amount that applies to that fishery. Mr. Anderson suggested that the vessels should be unable to possess monkfish, unless the vessel is operating in an exempted fishery with an allowable monkfish bycatch.

Mr. Goethel asked about the action to protect monkfish spawning through area closure or other measures. Mr. Smith replied that no spawning areas have been identified and stated that there was some opposition to further spring closures. Mr. Goethel said that he has observed monkfish spawning in March through November. Ms. Stevenson suggested that the section should say that the Council may consider spawning closures as soon as information is available.

Mr. Anderson, commenting on the provisions for scallop vessels that do not qualify for monkfish limited access, asked if the trip limit was intended to be intended to be as written. The trip limit for non-qualifying scallopers is a straight 300 pounds per days-at-sea, while multispecies vessels would also have a 25 percent of total weight of fish onboard limit.

Mr. Anderson commented on the framework adjustments requiring one initial and two final meetings. He noted that New England fishermen could only have only one meeting to comment, if the first framework meeting occurred in the Mid-Atlantic. There should be at least two meetings, he suggested, an initial and a final meeting in each Council area.

No more comments were offered and Mr. Smith closed the meeting at 10 p.m.

New England Fishery Management Council  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906

ATTENDANCE SHEET  
Travel Authorization # 98-34

ATTENDANCE AT: Monkfish Public Hearing

DATE: January 30, 1998

LOCATION: Urban Forestry Center, Portsmouth, NH

CERTIFIED BY: \_\_\_\_\_

PLEASE PARTICIPANTS

PLEASE SIGN, INCLUDE ADDRESS & PHONE

Eric Smith

*EMS*

Paul Howard

Andrew Applegate

*Jim Kendra JMK.*

New England Fishery Management Council  
Suntaug Office Park - 5 Broadway - Saugus, Massachusetts 01906

ATTENDANCE SHEET  
Travel Authorization # 98-34

ATTENDANCE AT: Monkfish Public Hearing

DATE: January 30, 1998

LOCATION: Urban Forestry Center, Portsmouth, NH

CERTIFIED BY: Cef. Applegate

PLEASE PARTICIPANTS

PLEASE SIGN, INCLUDE ADDRESS & PHONE

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Doreen Monahan Monkfish Advisory Panel Salem MA 01970  
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## **12.4 Written Comments**



Portsmouth Fisherman's Co-op  
PO Box 4159  
Portsmouth, NH 03802-4159  
(603)431-7078

August 7, 1995

The need to protect all species of fish has become paramount as we see fishing vessels switch their concentration to non-traditional species. Specifically, the need to protect monkfish should be of great importance as more pressure is being placed on the monk fishery as world market demand increases, and more fishing vessels pursue this species.

A good place to start this protection of monkfish would be a standard length regulation for all states that participate in the monk fishery. At the present time some states have enacted an eleven (11) inch monktail or seventeen (17) inch whole monk regulation. However, we feel that this is not adequate. The size that we feel would benefit the protection of the fishery would be the length at which the female monkfish reaches sexual maturity or nineteen (19) inches for the whole monkfish, and thirteen (13) inches for the tail as referenced in "Status of Fishery Resources off the Northeastern United States" (1993), NOAA Technical Information NMFS-F/NEC-101.

At the present time we can see a substantial increase in the landings of monkfish in comparison with last year, and what is more alarming, an increase in the amount of "Pee Wee" monktails being landed in the state of Maine. It is appalling that in this day and age that the state of Maine is not attempting to protect this species as the other states involved in the fishery are trying to do. Please see attached landing data from the Portland Fish Exchange for monkfish landings from 1994, and 1995 YTD.

According to the May 10, New York joint meeting of the NEFMC and MAFMC a monkfish plan wouldn't be in the offing for at least eighteen months. We feel that this time frame endangers the survival of this fishery. In discussions pertaining to monkfish catch only draggers and gillnetters are mentioned in the conversations; however, we believe scallopers should be included. A large percentage of monkfish is landed by scallopers and we feel that they should be governed by the same guidelines and allowances assigned to the small-mesh fishing fleet because of their use of 3 1/2 inch rings in their dredges.

From the following information and statistics, there should be in your mind only one logical course to follow; that being an emergency procedure to regulate the size of whole monkfish and monkfish tails being landed in order to insure the survival of this fishery. If joint fishery management councils do not feel that they can act in a reasonable amount of time, then the individual states should take the responsibility to protect the fishery by enacting these same recommended size restrictions.

Peter Morse  
President  
Portsmouth Fishermen's Cooperative

### Portland Fish Exchange 1994

Total Monk Landed: 2,507,470 lbs.

Large Monk:	1,130,891	= 45.1%
Small Monk:	1,130,092	= 45.1%
Pee Wee Monk:	246,487	= 9.8%

Total Fish Landed: 28,608,948 lbs.

Monks represent 8.8% of all fish landed at P.F.E. for 1994

---

### Portland Fish Exchange 1995 (through 7/28)

Total Monk Landed YTD: 1,556,104 lbs.

Large Monk:	689,669	= 44.3%
Small Monk:	478,041	= 30.7%
Pee Wee Monk:	388,394	= 25.0%

Total Fish Landed YTD: 14.5 Million lbs.

Monks represent 10.7% of all fish landed at P.F.E. 1995 YTD

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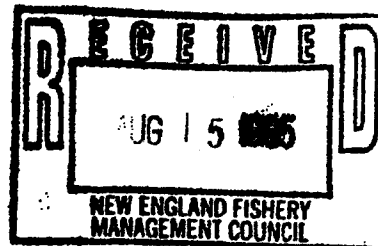
Note: Please notice that "Pee Wee" monktail landings, as compared to large and small monktail landings, on the Portland Fish Exchange have increased by over 100% between 1994 and 1995. Also the Portland Fish Exchange caught in the first six months of 1995 as many "Pee Wee's" as in all of 1994.

BOB SMITH  
NEW HAMPSHIRE  
IN NEW HAMPSHIRE  
1-800-922-2230

United States Senate  
WASHINGTON, DC 20510-2903

COMMITTEES:  
ARMED SERVICES  
ENVIRONMENT AND  
PUBLIC WORKS  
GOVERNMENTAL AFFAIRS  
SELECT COMMITTEE ON  
ETHICS

August 11, 1995



Mr. Joseph Brancaleone, Chairman  
New England Fishery Management Council  
5 Broadway  
Saugus, Massachusetts 01906-1097

Dear Mr. Brancaleone:

I am enclosing, for your perusal, a copy of correspondence Senator Smith received from his constituent Peter Morse, President of the Portsmouth, New Hampshire Fishermen's Cooperative.

Mr. Morse has indicated through his letter and corresponding data, as well as personally to the Senator's office, his growing concern regarding the lack of consistent, interstate regulation of monkfish. His primary concern is focused on the State of Maine's increased landings of "pee wee" monkfish (see attached data).

The Senator is aware the New England Fishery Management Council is compiling a plan to address this matter. His concern, however, is the amount of time that will pass prior to the implementation of regulations. It is his fervent hope that this issue will be resolved in a timely manner in order to preserve the monkfish species.

Thank you for your attention to this matter.

Sincerely,

Bonnie Spinazzola  
Projects Assistant

cc: Dr. Andrew Rosenberg, Reg. Director  
National Marine Fisheries Service



**CIANCIULLI & OUELLETTE**  
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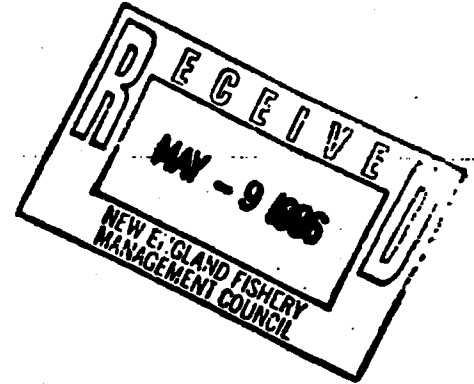
\*Also Admitted in Maine

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May 7, 1996

Mr. Edward McCauley  
Monkfish Oversight Committee  
New England Fishery Management Council  
5 Broadway  
Saugus, MA 01906



Re: Development of a Monkfish Management Plan

Dear Mr. McCauley:

I represent the Gillnet Monkfish Defense Fund, and have been asked to write and present the Fund's concerns regarding the ongoing development of a Monkfish Management Plan.

We have serious concerns regarding the entire developmental process, and the Monkfish Committee's apparent failure to address its mandate, as contained in the Notice of Proposed Rule Making as set forth in the Federal Register, and what appears to be a direct allocation of resources to a limited number of vessels. At that time of the Notice, the stated basis for the proposed rule making was:

"...a steady decline in proportion of mature fish in the [monkfish] population... (to 25% or less than the Gulf of Maine, the lowest observed percentage...) with potential adverse affects on future recruitment."

60 Federal Register No. 38, February 27, 1995., copy attached.

This notice of proposed rule making came out shortly after an article written by Frank Almeida, of the Northeast Fisheries Science Center entitled: *Length - Weight Relationship and Sexual Maturity of Goosefish off the Northeast Coast of the United States*, copy attached. That study concluded that:

"...reported landings of goosefish tails in the "pee wee" market category where 36.5 mt in 1991 and 183.3 mt during 1992. If these tails weighed 0.50 kg each, conservative estimate is that more than

## **CIANCIULLI & OUELLETTE**

**Mr. Edward McCauley**

**May 7, 1996**

**-2-**

one million tails were landed during these years, representing  
goosefish with total lengths approximately 37 cm and less.  
Although maturity schedules vary with season and sex, only about  
25% of these individuals were mature."

Although NOAA has little data regarding catch size by gear characteristic (length--frequency) common sense indicates that the smaller fish are being caught by smaller, less size selective gear types. The primary component of the peewee/drumstick fishery appears to be the catch by scallop dredge. Given the drastic increase in landings of peewee/drumstick monkfish between 1991 and 1992, it is questionable whether this fishery really constitutes a by catch, or whether it is a directed fishery.

Of particular concern is that all of the management proposals (or so called preferred alternatives), do nothing to eliminate juvenile mortality and encourage recruitment. Rather than discourage the scalloper 'bycatch' of juvenile monkfish, the proposed alternatives appear designed to promote it, in large part by excluding smaller vessels that concentrate on lesser quantities of larger monkfish.

Although the Committee has purported to establish a minimum fish size, this apparently will not be applied to the scallop "bycatch." The Almeida study strongly suggests that a minimum fish size is necessary for all gear types. To the extent that gear types are not size selective, or have high levels of juvenile discard mortality, any landings by that gear type should be prohibited to prevent direction of effort on juvenile monkfish. Consideration should be given to requiring a modification of gear, such as scallop dredges, through some type of excluder or tickler which scares away monkfish, to avoid unnecessary juvenile mortality.

At least one scallop vessel owner has stated to the Committee that juvenile monkfish can be discarded alive. He suggested that scallopers' monkfish history serve as the basis for future landings, using alternative, large mesh gear. This concept has considerable merit as it protects juvenile monkfish, without depriving scallopers of their historical monkfish catch.

In reviewing the proposals, it appears that the threshold for entry into the fishery is being set at an outrageously high level. Many small vessels work monkfish, on a low volume or infrequent basis throughout the year. A number of small, full time monkfish vessels, although operating profitably, can not meet the threshold for entry into the fishery, as currently proposed. A recent memorandum prepared for the Committee and distributed at the May 7, 1996 meeting confirms that only a very small percentage of small vessels can qualify for a monkfish permit



## **CIANCIULLI & OUELLETTE**

**Mr. Edward McCauley**

**May 7, 1996**

**-3-**

under the proposed criteria, even though monkfish may constitute a large percentage of their overall catch.

It should be noted that in fashioning Amendment V to the Northeast multispecies fishery management plan, extremely low thresholds were set, at a time when the groundfish stocks were in much worse shape than the present monkfish stocks. No minimum threshold entry requirement should prevent anyone who has relied upon this fishery as part of their livelihood from future participation.

At present the proposals completely fail to take into account the difference between various segments of the fishery, and constitute an allocation of resources to two elements of the fishery-large mobile gear vessels and scallop bycatch. Such an allocation is impermissible under Magnusson, and ignores the scientific basis of the problem, high levels of juvenile mortality.

The proposed spring closures also ignore the regional variations in the fishery. There exists a significant, historical, monkfish fishery in southern waters in the springtime, which will be completely devastated by a spring closure. This fleet consists of primarily small vessels. Because of this regional variation, a spring closure is inequitable, and may actually discriminate between fisherman of different states, in violation of National Standard 4.

In short, the Gillnet Monkfish Defense Fund contends that the current "preferred alternatives" really circumvent the problem, which is the catch, or "bycatch," of juvenile monkfish. Any alternative must include measures eliminating any directed fishery on, or bycatch of, juvenile monkfish, through establishment of an absolute minimum size, prohibition of landings by non-selective gear types, and changes in gear to avoid unnecessary mortality on bycatch. Thresholds for entry into the fishery must be based on historical participation, considering actual levels fished, and not arbitrary levels that are clearly biased against vessels within certain classes. Clearly, smaller vessels that take less fish need less stringent controls, as they are a smaller element of the problem, a position advanced by the Council in establishing criteria of mobile gear under Amendment V.

Unless and until the juveniles of the species are permitted to survive until recruitment reproduce, any management plan to protect larger fish is meaningless. Currently proposals are before Congress to strengthen Magnusson by provisions to eliminate wasteful fishing methods (particularly discard), protect juvenile fish, encourage and reward selective gear types and protect spawning habitat. These principles should be applied by the Committee now, as they are central to any effective management of a fishery.

**CIANCITULLI & OUELLETTE**

Mr. Edward McCauley

May 7, 1996

-4-

The Committee has a unique opportunity to implement a plan before stocks are in disastrous decline. The presently proposed alternatives do nothing to achieve conservation, and violate the letter and spirit of Magnusson. For these reasons, the Gillnet Monkfish Defense Fund calls upon the Committee to redirect its effort to establish appropriate guidelines eliminating juvenile bycatch, and fostering and furthering a monkfish fishery which utilizes larger meshes, sets higher minimum sizes and promotes the most efficient use of this resource, none of which can be accomplished unless the present peewee and drumstick fisheries are completely eliminated.

Very truly yours,

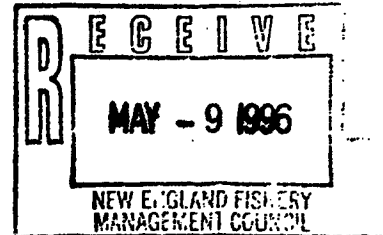
  
Stephen M. Ouellette

SMO:pad

**Armando M. Estudante  
1157 East Rodney French Blvd.  
New Bedford, MA 02744  
(508)994-7991, Fax 994-1138**

May 8, 1996

**Mr. Joe Brancalone  
Chairman  
New England Fishery Management Council  
5 Broadway - Saugus, Ma 01906-1097**



Dear Joe:

It has been very enlightening to read all the printed materials on the development of the different proposed alternatives to the Monkfish Management Plan, that have been mailed to me lately.

I am an interested party in that plan for various reasons:

As a multispecies fisherman and fishing vessel owner I have been swallowing the sour pill of amendment 5; I was told that, besides the days at sea on multispecies, I would be able to target monkfish, skates, squid, etc. Instead, I was bumped out of the squid and butterfish fishery, because I did not catch a huge lot of those species before the control date, while multispecies permits have been granted to every Tom, Dick and Harry that ever caught one pound of multispecies. I am sure that they will show up when multispecies come back.

It is interesting to observe that the control date on squid and butterfish was unilaterally established by the Mid Atlantic Council as soon as it became apparent that something like Amendment 5 to the Multispecies Plan was in the pipeline.

While your council was busy developing Amendments 5 and 7 to the Multispecies Plan, everybody got into the monkfish fishery before a control date was established. As a multispecies fisherman and fishing vessel owner pretty soon working under Amendment 7, excluded from the squid and butterfish fisheries, I think I am still entitled to target monkfish out of my days at sea, as long as I use gear that allows immature fish to escape.

As a processor and exporter of formerly called underutilized species, I have an interest in the sustainability of the monkfish stock as a long term commercially exploitable species.

As a concerned citizen, I look for a Monkfish Management Plan that will discourage and eventually terminate wasteful fishing practices, in what concerns discards and by-catch of immature monkfish.

Follow the comments that I find appropriate at this time:

I believe that, on designing a species specific management plan, immediate economic losses are admissible to the extent that they are correlated with a verified reduction in the species fishing mortality (F) and this reduction causes measurable long term gains in conservation of the species to support a sustainable fishery.

Economic losses.

A 14" length tail weights between 1.85Lb and 1.93Lb. The immediate impacts of this minimum size limit, for processors and processing workers, are the loss of the export market of skin-on and skin-less tails size 1-2 Lbs and monkfish fillets sizes 100-200 gr and 200-400 gr, as well as the loss of the domestic market for fillets up to the 14 oz size. For large and small processors alike it is essential to be able to offer domestic and overseas customers a variety of grades of monkfish products; in the case of export markets it is essential to be able to offer monkfish products to sell skate and dogfish.

One Portland, ME and three New Bedford, MA fish dealers that unload monkfish tails from fishing vessels volunteered their monkfish tails landings data.

A prohibition of landing all tails smaller than 14" would have caused the following reductions in relation to 1995 tails landings at those New England identified dealers:

<u>Dealer</u>	<u>Landings</u>	<u>&lt;15"</u>	<u>Reduction</u>
identified Maine dealer	2,797,483 Lb	1,611,209 Lb	57%
identified New Bedford dealer	530,743 Lb	275,601 Lb	51%
identified New Bedford dealer	1,232,300 Lb	623,811 Lb	51%
identified New Bedford dealer	undisclosed	undisclosed	57%

Looking at the weights landed in 1995 at the first three identified dealers and using a conversion factor of 40% shows that:

Total landings by these three dealers totaled 4,560,526 Lb, equivalent to a total whole fish weight of 5,171 metric tons.

A minimum tail size of 14" would reduce tails landings by 2,510,621 Lbs (55% reduction), equivalent to 2,847 metric tons of whole fish.

Allowed landings would be 2,049,908 Lbs of tails, equivalent to 2,342 metric tons of whole monkfish.

The economic impact of the proposed minimum size increase would be very heavy on the three identified dealers, on the vessels that they buy from and on the whole industry. By comparing the total landings reported by three dealers with the proposed TACs it is evident that the proposed TACs will have catastrophic consequences.

#### Reduction in F

Reduction in fishing mortality can be attained by reducing fishing effort on the species and by the use of fishing gear that reasonably assures the escapement of individuals smaller than the established minimum legal size.

The use of fishing gear that captures individuals smaller than the minimum legal size leads to the practice of keeping fish of legal size and of discarding undersized fish. The implementation of trip limits leads to the practice of discarding less valuable fish. The survivability rate of monkfish discards has not been determined; however, the observation of monkfish caught by vessels that use scallop dredges and fish trawls indicates that very few fish survive the experience.

The proposed size limits, quotas and trip limits may reduce landings. However, it is my opinion that a significant reduction in fishing mortality will not be attained, because neither of the preferred alternatives contemplates changes in fishing gear or practices that will reasonably warrant the escapement of small fish; the high trip limits for so called by-catch fisheries (specially for vessels using scallop dredges) induce the targeting of monkfish with non-selective gear; and they make it legal to discard 55% of the monkfish caught (using the ratio calculated above).

The proposed alternatives not only condone current wasteful fishing practices, but also encourage its continuation as long as less valuable monkfish is not landed. They seem to indicate a compromise with the industry that allocates most (even all) of the TAC to the users of gear with the highest level of small monkfish discards.

The reduction in landings will ironically be attained at the expense of high discards and of a small (or zero) quota allocation to users of selective gear.

Such reduction in landings, while having a potentially catastrophic economic impact in the industry in general, will have little effect in rebuilding or even conserving the monkfish stocks, because they will not generate significant reductions in fishing mortality.

I suggest that trip limits for vessels using scallop dredges, fish trawls (multispecies and small mesh) and gill nets to target other species, be determined as a small percentage of the total weight of the target species on board (by-catch). Only this will eliminate the targeting of monkfish with non-selective gear. Under this scenario (small by-catch trip limits) there is nothing significant to be gained (or lost) from small (12") or large (14"-15") minimum tail sizes.

Days at sea shall be used to target multispecies and scallops as they were intended to. This can not be constructed as an increase in fishing effort on scallops and multispecies because allocated days at sea were originally calculated without accounting for time spent "by-catching" monkfish.

As monkfish becomes a species of concern, the next logical step would be area and time closures to scallop dredges, gill nets and trawls (multispecies and small mesh) where and when high occurrence of monkfish is verified, after those areas are identi-

fied. The definition of those areas is, in my opinion, essential to the long term sustainability of the monkfish fishery.

I suggest that targeting of monkfish be allowed with selective gear only. In a targeted fishery, it does make sense to implement a minimum fish (and tail) size and a coherent gear size.

I just received the Agenda for the May 7-8 meeting with the technical working group comments and recommendations.

On "Recommendations for Overfishing definition", I am comforted to read that, in face of both monkfish stocks being "...considered overfished. The management advice would be to reduce fishing mortality to well below  $F_{target}$ , to allow stock rebuilding, and to close fisheries that catch a high proportion of immature fish". This statement has my full support. The economic loss consequent from such a closure is certainly far outweighed by the gain in conservation.

However, I will be distressed if the qualification criteria for limited access is adjusted to "values that reflect historic norms" in order "to reduce public opposition to these criteria".

I offer the following specific suggestions:

#### **Criteria for Admission in the Fishery**

Limited Access for directed fishery (with selective gear):

For all vessels that have multispecies or scallop days at sea and

For all vessels with landings prior to the control date.

#### **Directed Fisheries Gear Restrictions**

Only with gear made of netting with meshes  $\Rightarrow 12"$ . Including Trawls, beam trawls and gillnets.

#### **Bycatch Fisheries Possession Limits**

Trawls and gillnets on multispecies and gillnets (mesh  $\Rightarrow 6"$ ) on dogfish fishery: possession limit  $\Rightarrow < 10\%$  of total weight of species on board.

Trawls on small mesh fisheries: possession limit  $\Rightarrow < 1\%$  of total weight of fish on board.

Scallop dredges: possession limit  $\Rightarrow < 15\%$  of total weight of scallop meats on board.

#### **Minimum tail and fish size**

By-catch fisheries: 12 inches tail or equivalent body length.

Directed fisheries: 14 inches tails or equivalent body length.

### **Time and Area Closures**

#### **1 . Multispecies closed areas:**

Directed monkfish fishery allowed to vessels using gillnets or trawls of mesh =>12".  
No other gear on board.

#### **2 . Identified monkfish spawning areas.**

No fishing activity with gear capable of taking monkfish.

#### **3 . Identified areas and seasons where and when high occurrence of monkfish is verified:**

Directed monkfish fishery allowed to vessels using gillnets or trawls of mesh =>12".  
No other gear on board. No fishing activity with any other gear capable of taking monkfish.

#### **4 . No directed fishery during spring-summer spawning season ???(April 15 to June 15).**

### **Quotas**

Limited Access Quota Derived from Total Allowable Landings minus the Expected Bycatch.

### **Landing Controls**

TAC quota for directed fishery split into a larger fall-winter and a smaller spring-summer seasonal quota.

Directed fishery closes when seasonal quota is landed.

### **Liver Landings Ratio**

25% of the total weight of tails.

10% of the total weight of whole fish that has the livers removed.

### **Permit Requirements**

Dealer permits required.

Vessel permits required for all vessels that meet the qualification criteria.

### **Reporting**

#### **Fishermen**

Prior to unloading, vessel's logbook shall have written record of the estimated total quantity of each species of fish on board.

Logbook: written record of estimated quantity of each species of fish caught, by location (statistics area, loran or geographic coordinates) and per time period - each haul may be recorded, with indication of each haul duration or a group of hauls occurred in the same area may be recorded with indication of number of hauls and average duration. Individual hauls or group of hauls shall indicate the gear used. At least one entry shall be made in the logbook on each 24 hour period, while the vessel is at sea.

Landing reports shall be mailed (postmarked) not later than 2 business days after the landing date.

Species shall be identified by its "Market Name" from "The fish List" -FDA.

"Unloading" means to remove any fish from the vessel.

**Dealers**

Dealers shall have daily landing records indicating total quantities of each species unloaded from each vessel. Landing records shall identify the vessel name and permit or registration number and each species by its "Market Name". Landing records shall be mailed (postmarked) weekly.

I frankly hope that you find the above comments and suggestions relevant for consideration before any alternatives go for public hearings.

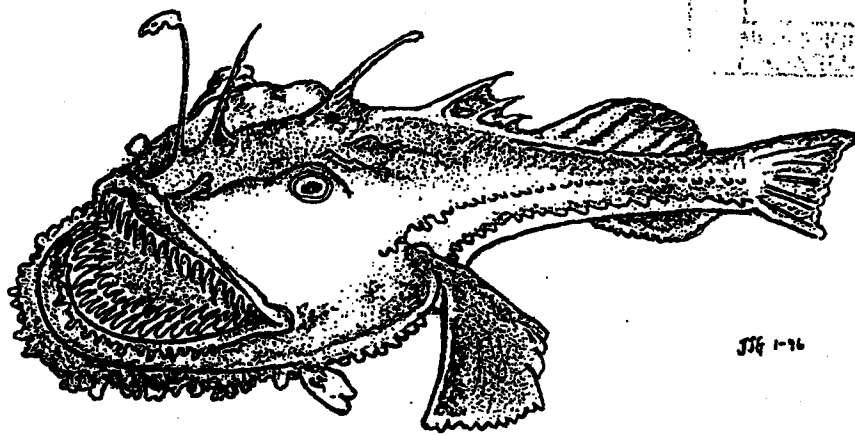
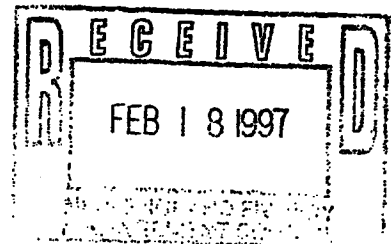
Sincerely,

A handwritten signature in dark ink, appearing to read "Armando Estudante", with a long, sweeping horizontal stroke extending to the right.

Armando Estudante



Presented to the  
New England Fisheries Management Council  
and  
Mid Atlantic Fisheries Managemnt Council



JH 1-76

By The Concerned Monkfishermen



February 15, 1997

New England Fisheries Management Council  
Mid-Atlantic Fisheries Management Council

To All Concerned Parties,

My name is Dean Pesante. I have been gillnetting monkfish for the past 6 years. The people I bought my boat from gillnetted monkfish 5 years before me. This fishery accounts for 75% of my income, as does theirs.

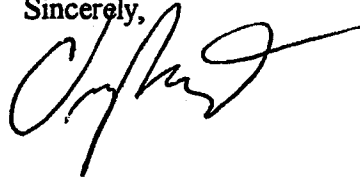
In the past 3 years, it has become clear that a management plan is necessary to preserve the fishery. I have been following and have been involved in the management planning for the past year and a half. Because of the broad geographical range of the monkfish, and the large number of different user groups, this is a very difficult fishery to manage.

The 3rd alternative is truly the best alternative for all user groups, and for the conservation of the monk fishery. The only thing I would add to this plan at this time would be:

- 1) Work towards a 12" minimum mesh for all gear types in all categories that are directing on monkfish.
2. In the future if stricter regulations are needed, use trip limits rather than closing seasons and areas.
3. To qualify smaller boats (15 - 20 gross ton) who legitimately targeted monk fish prior to the control date but landed smaller quantities than are presently required to qualify.

I am optimistic about the success of this management plan. I would like to thank the people involved who worked so hard to create a plan, to conserve a fishery and a species that is so important to so many people. Thank you

Sincerely,



Dean Pesante



Dr. Andrew Rosenberg  
Regional Director  
NOAA/NMFS

Sir,

**MONKFISH:**

I am writing with deep concern about the monkfish fishery. I am a gillnetter and have been targeting monkfish for the last five years. This fishery accounts for more than 80% of my income. The previous owners of my vessel targeted monkfish five years before I purchased the boat and still do presently. The party relies on this fishery as a livelihood as do I. There is a large number of small scale vessels that exclusively rely on this fishery not only presently but have done so in the past, and plan on being able to continue on this fishery in the future. This method of harvesting monkfish is highly selective. The majority of vessels use 12 inch mesh. Small fish are not caught, and allows monkfish to reproduce multiple times before reaching market. This assures a stable fishery in the future as there has been in the past.

Unfortunately, these fish are also taken by other methods of fishing. Otter trawls and scallop dredges are not selective. This method of fishing is large scale and lands large volumes of small fish. The average landings of monkfish by otter trawls and scallop dredges are 75% small fish (less than 4 lbs.). The size of large monkfish landed by gillnetting vessels is 95% compared to the 75% of small fish caught by otter trawls and scallop dredges. There was a time when draggers and scallopers took monkfish only as bycatch. Now, with vessels recently being restricted from catching groundfish, and limited under the days at sea, the monkfish are being targeted by large scale draggers and dredges. The end result is huge numbers of small fish putting the monkfishery in grave danger. More monkfish were landed in New Bedford this year than ever before by draggers and scallopers. These boats have "jumped" into this fishery and will without doubt move onto another when the current one is depleted.

There is management plans in the works, but it is taking far too long. The damage is being done. Management is responsible for the demise of this fishery. This is a fishery that many have relied on for many years. This is a tragedy the NMFS is fully aware of and seems to be doing nothing about the flagrant abuse. The fishermen who have been involved in this fishery want management and want it now. It is incredibly frustrating to watch what is happening and not be able to intervene. Our management (NMFS) is disappointing us. The clock is ticking and the longer management takes the worse the effects are getting. We want emergency action taken now to stop these "newcomers" from destroying the fishery that has provided us with a decent living. It is unfortunate that these mobile fishermen have depleted their fishery. This does not give them the right to destroy another.

All those involved in the monkfish management plan must take the responsibility to stop this from happening. NOW!

Sincerely,

Concerned Fishermen from Pt. Judith, RI

A handwritten signature in cursive script, likely belonging to a member of the concerned fishermen group.

Dr. Andrew Rosenberg  
N.M.F.S  
One Blackburn Drive  
Gloucester, MA 01930-2298

4-17-96

I am writing this to point out the obvious. With all politics aside. The single best method of harvesting monkfish is with the gillnet. This is thoroughly defined why in reasons listed below.

**FIRST:** Gillnets with the 12" mesh most commonly used for monkfish are highly selective. They take only large fish between 33" and 36". It has been stated by Mr. Applegate that female monkfish are 100% sexually mature at 29" in northern waters and 25" in southern waters. With this in mind it would indicate that monkfish are able to spawn as much as four times and nearing the latter portion of its life cycle (no juvenile fish are taken). This assures a stable fishery for the future.

**SECOND:** Gillnets do not damage the ocean floor such as the mobile gear that is devastating to monkfish as well as other marine fish species and benthic habitats.

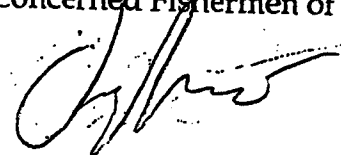
**THIRD:** Monkfish that is caught with gillnets is the highest quality product available. This maximizes the economic value of this species.

**FOURTH:** The gillnet fleet is comprised almost exclusively of small boats which can operate on much smaller volumes of fish. Large scale vessels take on large volumes of fish. Therefore, the gillnet fleet is not over exploiting the monkfish stocks.

These are the obvious truths that can not be overlooked or lost within the political arena. Gillnets are the single best method of harvesting monkfish. The gillnet fishery must not be excluded from the monkfishery. We strongly support the 3rd Alternative including monkfish as a groundfish and managing under the days at sea program. This would be the only one of the

~~three~~ alternatives presented by the monkfish committee allowing a gillnet fishery to continue. We firmly believe the 3rd Alternative would be fair to all user groups. Most importantly this protects the future monkfish stocks.

Thank You,  
Concerned Fishermen of R.I.

A handwritten signature in black ink, appearing to be "John" or similar, written over a dotted line.



Mr. Brancalone  
New England Fisheries Management Council  
5 Broadway  
Saugus, MA 01906

7-20-96

Dear Sirs,

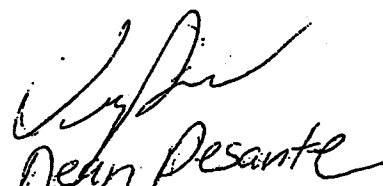
The small scale gillnet fleet (south of Cape Cod to North Carolina) are writing this letter to inform you of our support for the 3rd Alternative. Days at sea management is the only alternative which takes into account, the needs of all user groups as well as the preservation of the monkfish stocks.

Our only concern is the suggestion of a possible spring closure. We do not nor cannot support this. As pointed out in past letters (see attached letter). We should not have to be forced to use our days at sea at a time when weather conditions are most dangerous to the small boat fleet. Under days at sea management fishermen should be able choose their days and time of year best suiting their individual needs. Because we are a small boat fleet, we rely on the spring season for favorable weather.

In the future, if days at sea management is not sufficient to meet recommended management goals; then a regulated spring season using trip limits should be implemented. Trip limits should be in place to allow the small boat fishery to continue. A trip limit of one thousand pounds tail weight or an equivalent whole weight, would be sufficient for the small boat gillnetter to operate. **This limit coincides with the bycatch limit suggested for draggers.** A limit of this amount prevents large volumes of monkfish to be landed promoting conservation. This would also accommodate large scale vessels preferring the fall and winter seasons.

As stated in the accompanied letter, we totally rely on the spring season. This is a very crucial matter and must be handled fairly.

Thank You,  
Concerned Fishermen of R.I.

  
Dean Desante



Mr. Brancaleone  
New England Management Council  
5 Broadway  
Saugus, MA 01906

We are writing with respect to a proposal made at the 2-16-96 monkfish subcommittee meeting in Boston. The purpose of this proposal is to close the spring monkfishery. The logic behind this proposal is to protect spawning fish as well as the misconception that there is a weak market for this particular fishery during the spring fishing season.

This proposal will have a devastating impact on the inshore small boat gillnet fishery south of Cape Cod, more than any other user groups taking monkfish. This is completely unjust for a number of reasons.

**First:** Due to the size of our boats, we can only fish for monkfish while they are inshore during the spring and fall seasons. The normal weather conditions are severe during the fall, limiting the small boat fleet to just a few days. Therefore, the spring season is totally relied on when the fish are inshore within reach of the small boat. Spring weather conditions allow the small boat to get out on a regular basis.

**Second:** The market for whole gillnet monkfish is a top quality market. Many wholesale buyers have attested to this in previous subcommittee hearings. This high quality market enables a relatively non-fluctuating market to exist unlike other monkfish markets. The only fluctuation would be the price of monkfish livers. The spring, regardless of liver prices, is a profitable season for the gillnet fishery. Sixty-five to eighty percent of smallboat gillnet fishermen's annual revenue is generated during the spring season. To close the fishery during this time would undoubtedly put a majority of gillnetters out of business.

**Third:** The monkfish that the gillnet fleet take are an average of 33" to 36". It has been stated by Mr. Applegate during recent correspondence that female monkfish are 100% sexually mature at 29" in northern waters and 25" in southern waters. With this in mind it would indicate that monkfish are able to spawn as much as four times and nearing the latter

portion of it's life-cycle. The gillnet fishery using 12" mesh (which is most common)

**DOES NOT PREVENT SPAWNING TO OCCUR.**

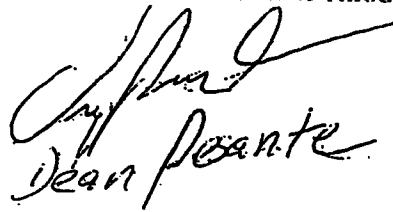
The proposal that has been put in motion would only eliminate the crucial spring season for the small boat gillnet fleet fishing south of Cape Cod. There is no other way for the small scale gillnetter to survive in southern fishing waters without the spring monkfish run.

The monkfishery has provided the gillnetter with a decent living for many years. A 12" mesh allows us a decent living in the future. This proposed management would destroy the livelihoods of many fishermen and their families. There are other avenues that can be pursued that would not single out one particular user group. We urge the council to pursue more logical and just alternatives such as those listed below.

Fishermen that fish for monkfish inshore or offshore know spawning occurs not only in inshore waters but offshore waters as well. Spawning is by no means an isolated occurrence. Monkfish concentrate as heavily offshore as they do inshore during the spring season. If a closure has to occur, it should be for those vessels having the ability to fish offshore. The large vessels catch large amounts of fish and are able to fish on a year round basis. The small boat does not have this ability. Small boats operate on a small volume of fish and depends on the inshore run and decent spring weather. This kind of management would allow all those who have participated in the monkfishery to continue a livelihood. It also seems to be in the best interest of a fishery which needs conservation. We believe this is a fair alternative to a total spring closure that would be debilitating to the small boat inshore monkfishery.

Sincerely,

Concerned Fishermen of Rhode Island



*Jean Peante*

TITLE III -- NATIONAL FISHERY MANAGEMENT PROGRAM

SEC. 301. NATIONAL STANDARDS FOR FISHERY CONSERVATION AND MANAGEMENT

(a) IN GENERAL.--Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this title shall be consistent with the following national standards for fishery conservation and management:

98-623

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

(2) Conservation and management measures shall be based upon the best scientific information available.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

\* (4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(5) Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

97-453

(b) GUIDELINES.-- The Secretary shall establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery management plans.



Mr. Brancaleone  
N.E. Fisheries Management Council  
Five Broadway  
Saugus, MA 01906

Dear Mr. Brancaleone:

We are writing to express our support for the third alternative days at sea management for monkfish. We feel, however, there are some changes that need to be made.

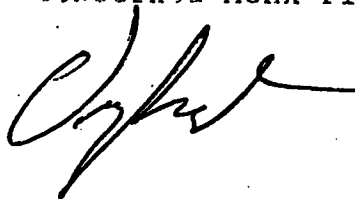
FIRST: To insure that juvenile undersized fish are not being needlessly killed, a mesh size of 10" square or 12" diamond must be used THROUGHOUT a trawl net. A 10" square or 12" diamond mesh in the cod end alone will not do the necessary job. A cod end is too easily plugged up. This causes large numbers of small fish to be killed. The only way these small fish can realistically be kept from being killed is to use the 10" square or 12" diamond mesh throughout the trawl. We feel this is a very important change that must be made.

Secondly: The proposed qualifying criteria which is presently being used, must be rewritten to be fair to the small boat fleet that has been targeting monk fish prior to the control date. As it is written presently, it would be eliminating many small boats in the 15-20 gross tonnage category which have been targeting monkfish legitimately, long before the February 27, 1995 control date. These small boats work on small volumes of fish, 200-500

tail weight (or equivalent whole weight). These small boats have been targeting monkfish long before the control date and should not be excluded simply because of their size.

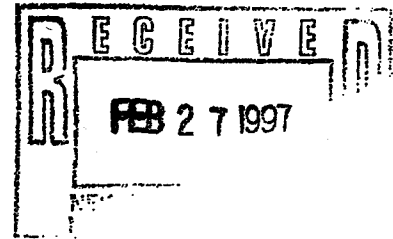
These 2 matters must be taken into consideration and handled fairly.

Concerned Monk Fishermen

A handwritten signature in black ink, appearing to be 'C. J. Fisher' or similar, written in a cursive style.



New England Fishery Management Council  
5 Broadway  
Saugus, MA 01906



Dear Council members,

The following is an analysis of the effectiveness of a 14-inch minimum monktail size (21-inch whole monkfish). Under the presumption that this part of the monkfish management plan is intended as a measure to conserve juvenile fish, I hope to demonstrate some actual results such a regulation would have produced in calendar year 1995, which you may find of benefit.

My name is Henry Soule. I have been involved in the New England groundfish industry over the last 10 years in too many capacities to list. You should know up front that I now work for Barbara Stevenson. However, the opinions expressed here should not be construed as her own.

In analyzing this issue, I used 2 sources of information:

(1) Information from the Portland Fish Exchange. As you may know, the Exchange publishes a great deal of information regarding landings and ex-vessel prices. It also is the primary point of sale for approximately 50% of the groundfish landed in the state of Maine, and is a good source of data for understanding what is happening both with landings and in the marketplace.

(2) Data that I generated from a quick study last year. In March of 1996, I had occasion to weigh and measure a number of monktails landed one day on the Exchange. Samples were taken from 3 draggers and 1 gillnetter, which I will refer to as Boats A, B, C, and D. These vessels range in length from approximately 40 to 80 feet, and are very typical New England groundfishing vessels.

### **The Data**

Analyzing item #1 above is rather straightforward -- just add the numbers up and figure out what they're trying to tell you. Item #2 merits additional explanation. My objective was to obtain a random sampling of the smaller monktails and get a rough handle on their length-to-weight relationship. A total of 60 monktails were measured and weighed. You will find the raw data attached at the end of my comments.<sup>1</sup>

The Exchange culls (sorts) monktails according to the following schedule:

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<sup>1</sup> Those who examine the raw data closely will undoubtedly notice that some of the measured weights do not correspond with the Exchange's cull specifications. This is not a case of "bad data", but rather "bad culling".

cc: Council  
AJA

<u>Size</u>	<u>Minimum</u>	<u>Maximum</u>
Large	2.0 lbs.	no maximum
Small	11 inches	2.0 lbs.
Peewee	no minimum	11 inches

My own measurements indicate that all of the Peewee monktails were less than 14 inches. In fact, none came even close to 14 inches. Under the proposed new minimum size, none of those fish would have been landed.

Of the 21 Small monktails measured, 16 were below 14 inches. Those 16 fish comprised about 75% of the number of Small monktails, but only comprised 65% of the weight of Small monktails. This is to be expected -- it takes more small fish to add up to the same weight of the bigger ones.

### **Economic Results**

If we take the above numbers both at face value and as representative of an average trip, we can extrapolate 2 results:

- (1) All economic activity generated by Peewee monktails would be eliminated, because none would be landed.
- (2) 65% of economic activity generated by Small monktails would be eliminated, because only 35% of those caught would be landed.

There are 2 important inferences to be drawn from this list:

- (a) "Economic activity" means not just "vessel income," but includes all subsequent activity associated with the processing and sale of these fish, and
- (b) "Landed" does not mean "caught"; those are two very different things, a subject I will discuss later.

I am unable to accurately estimate the economic activity sub-14-inch monktails generate after they are sold to a processor, and am in fact unwilling to even try. But, I am very much able to accurately estimate the economic activity these fish generate to vessels alone, because the Exchange's landings and ex-vessel prices are a matter of public record.

My brief measurement study was conducted in March of 1996, but the Exchange has not yet published its annual landings summary for that year. However, here is a breakdown of Exchange monktail landings for 1995<sup>2</sup>:

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<sup>2</sup> "Landings" includes fish which arrives by truck.

	1995 Total	1995 Total	Average	
<u>Size</u>	<u>Lbs. Landed</u>	<u>Lbs. Sold</u> <sup>3</sup>	<u>Ex-vessel Price</u> <sup>4</sup>	<u>Total Value</u>
Large	1,186,274	1,143,246	\$1.84	\$ 2,103,573
Small	963, 825	895,238	\$1.33	\$ 1,190,667
Pee wee	647,384	541,333	\$0.58	\$ 313,973
<b>TOTAL</b>	<b>2,797,483</b>	<b>2,579,817</b>		<b>\$ 3,608,212</b>

If we presume that all of 1995's Pee wee monk tails and 65% of the Small monk tails would not have been landed under a 14-inch minimum, we can easily determine a hypothetical economic loss to those vessels landing at the Exchange in that year:

<u>Size</u>	1995 Total <u>Lbs. Sold</u>	Estimated <u>% over 14"</u>	Hypothetical <u>Net Lbs Sold</u>	Average <u>Ex-vessel Price</u>	Hypothetical <u>Total Value</u>
Large	1,143,246	100%	1,143,246	\$1.84	\$ 2,103,573
Small	895,238	35%	313,333	\$1.33	\$ 416,733
Pee wee	541,333	0%	0	\$0.58	\$ -
<b>TOTAL</b>	<b>2,579,817</b>		<b>1,456,579</b>		<b>\$ 2,520,306</b>

A loss of just over \$1,000,000<sup>5</sup>.

For the sake of argument, we might want to assume that my very small random sampling of monk tails was not truly representative of the actual length-to-weight ratio. It is obvious from the raw data that, under a 14-inch minimum rule, absolutely no Pee wee monk tails would be allowed to be landed. However, rather than estimating that 65% of 1995's Small monk tails were less than 14 inches, let's reduce that number to 50%:

<u>Size</u>	1995 Total <u>Lbs. Sold</u>	Estimated <u>% over 14"</u>	Hypothetical <u>Net Lbs Sold</u>	Average <u>Ex-vessel Price</u>	Hypothetical <u>Total Value</u>
Large	1,143,246	100%	1,143,246	\$1.84	\$ 2,103,573
Small	895,238	50%	447,619	\$1.33	\$ 595,333
Pee wee	541,333	0%	0	\$0.58	\$ -
<b>TOTAL</b>	<b>2,579,817</b>		<b>1,590,865</b>		<b>\$ 2,698,906</b>

Only \$600,000 lost under this scenario, perhaps \$700,000 or so if using "Landed" rather than "Sold" weights. So -- if you're still with me, and I realize this isn't necessarily all

<sup>3</sup> Weights of fish "Landed" and "Sold" differ because vessels are allowed to refuse a sale price if they wish. The fish can then be removed from the Exchange and be sold elsewhere. As the fish technically did not sell "on the auction", it is not counted in determining value.

<sup>4</sup> Published prices are: \$1.88 for Large monk tails, \$1.37 for Small, and \$0.61 for Pee wee. I have subtracted the Exchange's normal fees from the published numbers to derive net prices to the vessel.

<sup>5</sup> Note that the model uses "Sold" weight, not "Landed" weight. I estimate that the economic loss would be closer to \$1,250,000 using "Landed" weights. However, I am not able to independently verify the average price of those monk tails which did not sell through the Exchange. I am reluctant to include data in this paper which cannot be verified by some independent means.

that easy to follow -- it appears that, operating under a 14-inch minimum monktail regulation, boats landing at the Exchange would have lost somewhere between \$600,00-\$1,200,000 in calendar year 1995.

### Conservation Benefits

Naturally, any restrictive fishery regulation will result in economic losses to fishermen. The tradeoff is the biological (and, some would argue, the subsequent economic) benefit to the resource.

But, will a 14/21 inch minimum really conserve monkfish?

Most landings at the Portland Fish Exchange come from multispecies vessels; they target a variety of species, and in fact, I am unable to recall any monkfish-only trips in 1995. An analysis of landings for that year gives us the following percentage of monkfish landed, compared to other species:

<u>Species</u>	<u>Lbs</u>	<u>% of Total</u>
Multispecies <sup>6</sup>	20,423,655	77.2%
Monktails	2,796,483	10.6%
Whole monkfish	93,273	0.4%
Other	3,131,589	11.8%
<b>TOTAL</b>	<b>26,445,000</b>	<b>100.0%</b>

As a reality check, I then compared the Exchange's percentages to Boats A-D mentioned above (on the same day I measured their monktails). Here are the results:

<u>Species</u>	<u>Exchange</u> <u>% of Total</u>	<u>Boat A<sup>7</sup></u> <u>% of Total</u>	<u>Boat B</u> <u>% of Total</u>	<u>Boat C</u> <u>% of Total</u>	<u>Boat D</u> <u>% of Total</u>
Multispecies	77.2%	61.1%	71.6%	61.1%	99.5%
Monktails	10.6%	30.2%	23.0%	23.5%	0.5%
Whole monkfish	0.4%	0.0%	0.0%	0.0%	0.0%
Other	11.8%	8.7%	5.3%	15.3%	0.0%
<b>TOTAL</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

No surprises here. The draggers catch more monks than the gillnetters. Let's take a look at the size of the monktails landed:

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<sup>6</sup> Includes the following species: Cod, cusk, dabs, greysole, haddock, hake, pollock, redfish, sand dabs, and yellowtail.

<sup>7</sup> Boat A = large dragger, Boat B = medium sized dragger, Boat C = small dragger, Boat D = gillnetter

Monktail Size	Exchange % of Total	Boat A % of Total	Boat B % of Total	Boat C % of Total	Boat D % of Total
Large	42.4%	54.2%	35.0%	13.0%	75.6%
Small	34.5%	32.2%	50.5%	33.7%	24.4%
Peewee	23.1%	13.5%	14.5%	53.3%	0.0%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%

Numbers, numbers, numbers. What reasonable conclusions can we at least make a stab at drawing from all of this?

- (1) Gillnetters targeting multispecies aren't catching enough small monkfish to worry about.
- (2) Multispecies draggers are targeting monkfish as an important segment of their catch, but are not focusing on them to the exclusion of other species.
- (3) It is possible to target small monkfish. Boats A and B have percentages of Peewee monkfish *below* the Exchange's average for 1995. Somebody has to be landing a higher percentage to pull that number up. Like Boat C. However,
- (4) Most draggers aren't targeting smaller fish. In fact, small fish are impossible to *avoid*. I am unable to find any unbroken dragger trip landed at the Exchange over the last 3 years which did not land monkfish of all 3 sizes.
- (5) Monkfish which produce sub-14 inches monkfish are a common bycatch. Take a look at Boat D's -- the gillnetter's -- small monkfish sizes (detailed in the back of this paper). This boat was working on pollock, and had a minuscule bycatch of Small monkfish. Yet, 9 of the 11 Small monkfish measured -- 80% by count, 65% by weight -- were under 14 inches.

If that multispecies gillnetter, who had absolutely no intent of catching any monks, can't avoid smaller fish, I am unable to fathom how draggers will be able to do so.

In fact, it's pretty simple: They can't. Not with 6" mesh.

So what does this mean? It means that in 1995, a 14 inch minimum size would have resulted in discards at sea of over 1,000,000 pounds of monkfish annually by Exchange vessels alone. That translates to well over 2,000,000 pounds of whole fish going over the side.

I also did an informal poll of 5 local captains. Of the 5, 1 said that most small monkfish survive when thrown back into the sea. The other 4 said that nearly all die. As an editorial aside, I would suggest that, with 2,000,000 pounds at stake, the Council investigate this discard mortality issue more thoroughly than I have.

### **Conclusions**

Reviewing all of the above information, it seems fairly clear to me that implementation of a 14 inch minimum monkfish size regulation would result in the following:

- (1) The same catch rate of monkfish that we have right now.
- (2) Millions of pounds of at-sea monkfish discards each year, of which most will die.
- (3) A resultant waste of an national economic resource well in excess of \$1,000,000 annually.
- (4) A conservation gain which looks fabulous on paper but has no basis in reality.

I have listened *ad nauseam* to certain individuals, whom you may be familiar with, rail against NMFS and Council decisions from years gone by which result in economic harm to fishermen yet provide no benefit to the resource. But I never really understood what the problem was until I began studying the issues in some depth, as I have this one. Plainly put: A 14 inches minimum monktail size is a mistake. The monkfish will gain nothing. Landings will decrease and discards will increase, but the fishing mortality rate will stay the same, and isn't that the number which really counts?

### Suggestions

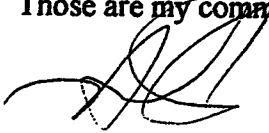
On the other hand, you members of the Council have listened *ad nauseam* to certain individuals rail against NMFS and Council plans, without offering alternatives. I'm no fisheries biologist, let alone Harry Houdini, but here are some thoughts which have crossed my mind:

- (1) Has anyone factored in the effect of the boat buyout? Next year's DAS levels?
- (2) Was this a problem before directed monkfish fishing? Are we looking in the right direction here?
- (3) Perhaps implement some sort of a limit on the *percentage* of small monktails a vessels can have? For example, 15% or 20% of the total weight of monkfish could be under 14 inches, which at least would keep vessels from working on concentrations of small fish while avoiding needless waste.
- (4) Or, a percentage limit on multispecies monkfish landings? 20% or 25% of the total weight on board? (One problem with both of these percentage suggestions is that, if they actually worked, there might be impetus to try the idea on other species. Eventually you'd be allowed to land 16% cod, 12% pollock, 18% monk, 6 % yellowtail, etc.,etc....)
- (5) Would a 14 inch minimum monktail size "prevent overfishing while achieving...the optimum yield from each fishery for the United States fishing industry"?
- (6) Implementation of a 14 inch's minimum would effectively turn the smallest monkfish now being landed into a "bycatch". Would a 14 inch minimum "(A) minimize bycatch, and (B) *to the extent bycatch cannot be avoided, minimize the mortality of such bycatch*"? (my emphasis)

No magic solutions, I'm afraid. But, if monkfish can't be avoided (and even *longliners* occasionally hook up on monkfish), what possible good does it do any of us to waste the

resource? We're not talking here about the occasional sub-minimum sized cod that comes up in a net. We're talking about millions of pounds of fish each year. This is a fish which, because of its physical characteristics, does not lend itself to effective multispecies management via our common mesh size & minimum length system. We need to think outside of the box on this one.

Those are my comments. Thank you for your time.

A handwritten signature in black ink, appearing to read 'H. Soule', with a stylized flourish at the end.

Henry Soule

P.O. Box 4750

Portland, ME 04112

## Boats A\_D

<b>Species &amp; Size</b>	<b>Boat</b>	<b>Lbs</b>	<b>Length (Inches)</b>	<b>Note</b>
Small monktails	A	1.35	15.00	Good trim
Small monktails	A	1.20	14.75	Good trim
Small monktails	A	1.24	14.75	Good trim
Small monktails	A	0.98	13.75	Good trim
Small monktails	A	1.09	13.50	Good trim
Small monktails	A	0.93	13.50	Good trim
Small monktails	A	1.00	13.50	Good trim
Small monktails	A	1.00	12.50	Good trim
Small monktails	A	0.87	12.00	Good trim
Small monktails	A	0.69	12.00	Good trim
Small monktails	D	1.83	15.75	Much more flap than Boat A Small monktails
Small monktails	D	1.69	15.25	Much more flap than Boat A Small monktails
Small monktails	D	1.14	13.50	Much more flap than Boat A Small monktails
Small monktails	D	1.00	13.25	Much more flap than Boat A Small monktails
Small monktails	D	1.08	13.00	Much more flap than Boat A Small monktails
Small monktails	D	1.09	12.50	Much more flap than Boat A Small monktails
Small monktails	D	0.82	12.25	Much more flap than Boat A Small monktails
Small monktails	D	0.79	11.50	Much more flap than Boat A Small monktails
Small monktails	D	0.55	10.50	Much more flap than Boat A Small monktails
Small monktails	D	0.49	10.50	Much more flap than Boat A Small monktails
Small monktails	D	0.50	10.00	Much more flap than Boat A Small monktails

<b>Total Lbs</b>	<b>21.33</b>
<b>Total Fish</b>	<b>21</b>
<b>Avg Lbs/Fish</b>	<b>1.02</b>
<b>Avg Inches/Fish</b>	<b>13.01</b>

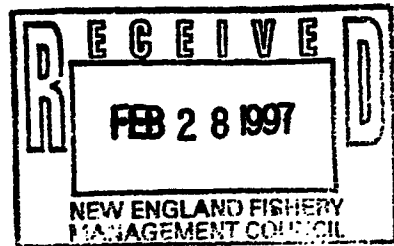


# Boats A\_D

<b>Species &amp; Size</b>	<b>Boat</b>	<b>Lbs</b>	<b>Length (Inches)</b>	<b>Note</b>
Large monktails	A	3.23	18.25	Lots of flap
Large monktails	A	3.03	18.00	Lots of flap
Large monktails	A	3.14	17.50	Lots of flap
Large monktails	A	2.49	17.50	Lots of flap
Large monktails	A	2.41	16.00	Lots of flap
Large monktails	B	2.50	18.00	
Large monktails	B	2.85	18.00	
Large monktails	B	2.19	16.50	
Large monktails	B	2.43	16.25	
Large monktails	B	2.03	16.00	
Large monktails	B	2.13	15.00	
Large monktails	D	2.35	17.00	Lots of flap
Large monktails	D	2.27	16.75	Lots of flap
Large monktails	D	2.25	16.75	Lots of flap
Large monktails	D	2.07	16.50	Lots of flap
Large monktails	D	2.10	16.25	Lots of flap
Large monktails	D	2.24	16.00	Lots of flap
Large monktails	D	2.18	16.00	Lots of flap
Large monktails	D	2.02	15.50	Lots of flap
Large monktails	D	1.71	14.00	Lots of flap
<b>Total Lbs</b>		<b>47.62</b>		
<b>Total Fish</b>		<b>20</b>		
<b>Avg Lbs/Fish</b>		<b>2.38</b>		
<b>Avg Inches/Fish</b>		<b>16.59</b>		

## Boats A\_D

<u>Species &amp; Size</u>	<u>Boat</u>	<u>Lbs</u>	<u>Length (Inches)</u>	<u>Note</u>
Peewee monktail	A	0.76	11.75	
Peewee monktail	A	0.63	11.50	
Peewee monktail	A	0.57	11.00	
Peewee monktail	A	0.51	11.00	
Peewee monktail	A	0.65	11.00	
Peewee monktail	A	0.67	10.75	
Peewee monktail	A	0.43	10.25	
Peewee monktail	A	0.44	10.00	
Peewee monktail	A	0.51	10.00	
Peewee monktail	A	0.35	9.00	
Peewee monktail	C	0.51	9.50	
Peewee monktail	C	0.38	9.50	
Peewee monktail	C	0.38	9.00	
Peewee monktail	C	0.34	9.00	
Peewee monktail	C	0.32	8.75	
Peewee monktail	C	0.46	8.50	
Peewee monktail	C	0.25	8.00	
Peewee monktail	C	0.33	8.00	
Peewee monktail	C	0.24	7.75	
Total Lbs		8.73		
Total Fish		19		
Avg Lbs/Fish		0.46		
Avg Inches/Fish		9.70		



FEBRUARY 28, 1996

RE: WRITTEN COMMENTS OF MONKFISH REGULATIONS  
TO NMFS:

I AM WRITING IN REFERENCE TO THE NEW PROPOSED MONKFISH REGULATIONS. I AGREE WE NEED REGULATION. I STRONGLY DISAGREE WITH THE WAY PEOPLE UP NORTH ALL HAVE MULTISPECIES PERMITS AND ALL QUALIFY FOR MONK PERMITS. WHILE THE FISHERMEN FROM NEW JERSEY DO NOT CARRY MULTISPECIES PERMITS SO MANY FISHERMEN MAY NOT QUALIFY. IN THE NEW PROPOSED SHARK REGULATIONS ALL YOU NEED TO SHOW IS \$5,000 WORTH OF SHARKS BEFORE THE CONTROL DATE. IN THE MONKFISHERIES YOU NEED TO SHOW \$50,000 WORTH OF LANDINGS. WHERE IS THE JUSTIFICATION.

I AM VERY CONCERNED THAT IF THIS IS NOT CHANGED WE WILL HAVE N.J. FISHERMEN SITTING AT HOME WHILE NORTHERN BOATS FISH 10 MILES OFF THE N.J. COAST. THERE ARE MANY NORTHERN BOATS CURRENTLY FISHING OFF N.J. IF THIS HAPPENS IT WOULD BE A GREAT INJUSTICE.

I AM OWNER OPERATOR OF A SMALL GILL NET BOAT ( EMILY A II). IF I DO NOT A QUALIFY IT WILL BE A GREAT HARDSHIP.

THANK YOU FOR YOUR TIME.

SINCERELY YOURS,

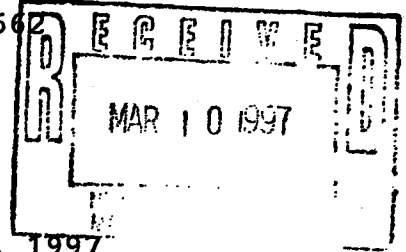
A handwritten signature in cursive script, appearing to read "William R. Leach".

WILLIAM R. LEACH



Pat Percy Stoneridge Popham Beach Maine 04562

New England Fisheries Management Council  
9 Broadway Street  
Saugus, MA 01906



March 1, 1997

Dear Members of the Council,

I am speaking today to express my concerns with Draft Amendment 9 to manage monkfish. My concerns revolve around the plan's compliance with provisions of the Magnuson-Stevens Act. If there are inconsistencies between the two, I feel that they must be resolved, both actually and in the spirit of.

I currently serve on the Board of Directors of the Maine Fishing Industry Development Center and the Atlantic Fishermen's Congress. I am a former president of the Maine Fishermen Wives Association and board member and National representative of the Women's Fisheries Network. I serve with many other fisheries organizations. But, today I speak as a wife and mother of fishermen.

Each time I reread the document, it was difficult to move beyond the second paragraph on page three...(overfishing definition) For the Northern area, F(threshold) is currently undefined. Is that following the spirit of the Magnuson-Stevens Act Section 303, 95-354 99-659 101-627 104-297 (10) which states,

Specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished....

The second question would be, "Who were the committee members who designed this plan?" I then learned that of the 8 members, 7 were from ports which lie within the Southern Area monkfish management zone. This makes no sense to me. On page 30 of the public hearing document is a chart detailing total monk landings, separated by Northern and Southern areas. It appears that not until the late 1980's did the Southern Area landings approach a doubling of the North's. Yet the committee had 7 times more Southern representation than the Northern? This hardly seems equitable--the committee was dominated by Southern Area representatives, yet Section 98-623 (4) of the Magnuson-Stevens Act states,

Conservation and management measures shall not discriminate between residents of various States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen....

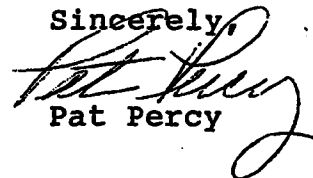
which are discarded do not survive. Therefore, a 14" minimum size will both increase bycatch and increase the mortality of such bycatch.

A 14" minimum may very well be an effective management measure in the Southern Area. Again, their methods are very different from our own. But in the Northern Area, a 14" minimum would produce results exactly opposite of what the law requires. This is precisely why differing fisheries and resources must be managed as such.

I do not disagree with the need to manage monkfish. However, I feel that many components of this plan fall short of the definition of fair, equitable and prudent. It is not really well thought out for the Northern Area. Our Congress set out guidelines by which to manage this national resource, and this particular management measure must have a real Northern component before any particular alternative can be supported. I urge you to scrutinize this plan and remove those components which will not produce the results asked for and required.

Thank you.

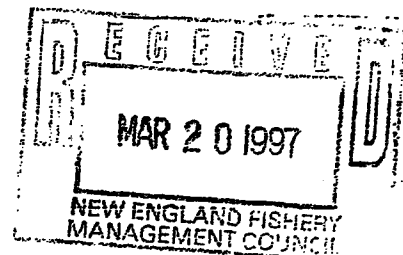
Sincerely,

A handwritten signature in cursive script, appearing to read "Pat Percy".

Pat Percy

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2901**

March 6, 1997



Mr. Paul Howard, Executive Director  
New England Fishery Management Council  
5 Broadway Drive  
Saugus, MA 01906-1097

Dear Director Howard:

I am writing to express my concern with newly proposed regulations within the Fishery Management Plan pertaining to monkfish catches and the impact of these regulations on the New Hampshire small boat fishing industry.

It is my understanding that the preliminary regulatory proposal calls for a dramatic reduction in the number of nets permitted to gillnetters. While New Hampshire's commercial fishermen acknowledge that a reduction in the number nets may be necessary to support monkfish conservation efforts, they tell me the proposed reductions are "prohibitively low" and will affect the gillnet industry disproportionately, as it is the only industry sector placed under these restrictions. Such an approach appears to inappropriately favor the large boat fishing industry.

I believe a regulatory balance can be achieved that insures the preservation of the species and New Hampshire's small boat fishing industry. I would be interested to learn the rationale that supports targeting only the gillnet industry with the monkfish catch restrictions.

Thank you for your assistance with this matter, and I look forward to your reply.

Sincerely,

John E. Sununu  
Member of Congress

cc: Erik Anderson, President  
NH Commercial Fishermen Association

Rolland A. Schmitten, Director  
National Marine Fisheries Service

JES/jjr

cc: CBK (3/21)  
AJA



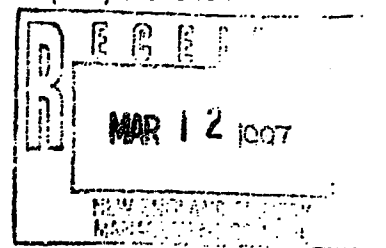


(9)

Gary S Libby

Captain F/V Leslie & Jessica  
P.O. Box 91  
Port Clyde, ME 04855

Telephone (207) 372-8462



March 10, 1997

To the Ladies and Gentleman of the New England Fishery Management Council  
and the Mid-Atlantic Fishery Management Council:

I am a captain of a fifty foot multispecies trawler, I have recently read the public hearing document for draft amendment 9 to regulate monkfish. My first reaction was that this is very complicated as there are five management alternatives; some are non-preferred, some are considered-but rejected and only one seems to be preferred. The titles confuse me, I don't like any of these as written, but I do think a minimum size should be put in place. Why not get in line with Massachusetts law and go with eleven inches on tails and seventeen inches on whole fish, I agree with the livers to tail or whole fish ratio.

I have a problem with (TAL), this seems to me like it will produce a high mortality rate, the reason being that once the (TAL) is landed all the monkfish caught unintentionally afterward will be discarded, effectively producing a higher mortality rate. The other part of the plan I don't like is monkfish selectivity; the monkfish trawl will make a target of a near overfished species, this seems to defeat the purpose of a management plan to regulate the species. Once a vessels days are used it would be more beneficial to stop fishing on them. Trip limits - this is another part of the plan I am concerned with, I think this will add to the mortality by discarding good fish caught after the trip limit has been filled. Once again I think this is defeating the purpose of the proposed plan, mainly protecting a possibly overfished species.

These are my views on this plan, I thank you for time and effort on this issue, I agree that it needs to be addressed. Please give my comments consideration.

Sincerely,

Captain Gary Libby  
F/V Leslie & Jessica  
Port Clyde, Maine

cc - PWC  
PMF  
Council  
Tech Staff



CATCH EM FISH, INC.  
P. O. BOX 45  
MANNS HARBOR, N. C. 27953  
(919) 473-2945

March 14, 1997

Mr. Paul Howard  
Executive Director  
New England Fishery Management Council  
5 Broadway  
Saugus, MA 01906-1097

RE: Comments on Draft Amendment 9 to the Multispecies  
Fishery Management Plan to Regulate Monkfish.

Dear Paul:

I/we are one of the six or seven hardworking N. C. Fisherman presently active in the monkfishing industry. I/we would like to make a few comments.

After making a substantial investment in gear and in participating in the monkfishery it came to my/our attention that there were proposed landing dates and regulations we were not aware of. It seems our fishing area was not included in your plan and were not notified of a proposed plan because we do not harvest species under your multispecies permits.

These proposed regulations if finalized will impart severe economic distress on our families. Also, they will force us to participate in fisheries that already support great numbers of fisherman.

I/we ask you to consider us in your final monkfish regulations. All participants have at least a thousand pounds of landing and look forward to hearing from you on this issue.

Sincerely,

Capt. Jim Shirl  
7/0 Catch Em

Tommy Darchise

F/V Handful

Rick Caton  
F/V Free Agent

Randall Morgan  
F/V Miss Donna

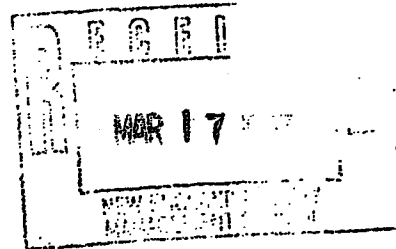




STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**Department of Environmental Management  
DIVISION OF FISH AND WILDLIFE**

Government Center  
4808 Tower Hill Rd.  
Wakefield, R.I. 02879  
Tel. (401) 789 - 3094; (401) 277 - 3075



Fax (401) 783 - 4460  
3/14/97

**Paul Howard, Executive Director  
New England Fishery Management Council  
Suntaug Office Park  
5 Broadway (Rt. 1)  
Saugus, MA 01906**

Gentlemen,

The Rhode Island Division of Fish and Wildlife supports all efforts for equitable conservation for the monkfish fishery and the Council's efforts to reduce mortality on this valuable stock. The Division has reviewed the proposed regulations on Draft Amendment 9 by the New England and the Mid-Atlantic Management Councils and supports Alternative 3 with the following comments and modifications on specific proposed management measures:

**Minimum fish size**

The proposed increase in minimum size limits to 14" tail and 21" whole fish will very likely result in significant reduction in otter trawl and scallop landings, but will also likely increase the amount of at-sea discards with questionable reduction on fishing mortality.

The plan calls for implementation of 10-inch square or 12-inch diamond mesh for vessels permitted to target monkfish in order to reduce the groundfish bycatch below the five percent threshold for a certified fishery as required by Amendment 7 to the Multispecies FMP. While we agree with the intention to reduce groundfish bycatch, there is no known monkfish mesh selectivity given for the mesh size chosen. While the increase from the commonly used 6"- 8" mesh to the larger mesh specified in the plan will certainly afford some degree of escapement of smaller monkfish, the extent of selectivity is unknown. Anecdotal information suggests retention of <21" fish will continue, which seems highly plausible given the unusual contour of this species and the characteristics of the otter trawl net.

Rhode Island implemented minimum size limits (11" tail, 17" whole) for conservation of the monkfish resource in response to increased landings of "PeeWee" monkfish in March, 1994. We support increasing the minimum size to protect sexually immature monkfish, however we would suggest that further investigation and

verification of the appropriateness of 10" or 12" mesh be conducted upon implementation of this measure. This could be accomplished through a dedicated number of sea sampled trips in both the Northern and Southern management areas and mesh size adjusted accordingly.

The Division is genuinely concerned about the increased discards that will most certainly occur through continued targeting of monkfish by scallop vessels. Scallop dredges will still be fishing with a ring size chosen for scallop selectivity, not for groundfish and specifically not for monkfish. The high trip limits allowed will only encourage high-grading of monkfish, with significant discards escalating upon implementation of the larger minimum size fish. The discard rate using a 3-1/2" ring should be readily apparent. Other segments of the industry are taking steps to conserve the monkfish resource under this plan, we strongly suggest that scallop vessels be included in all conservation measures and that this inequity be addressed.

#### **Liver / whole fish landings**

We question the rationale for allowance of the liver to fish landings ratio under the language in the proposed plan. Allowing landings of 10% livers to whole fish will allow any vessel to high grade the undersized monkfish caught for an added bonus of livers. A highliner dragger directly targeting monkfish with an average 20,000 whole monkfish can land an additional 2000 pounds of livers, which means he cut the livers on an estimated additional 8000 pounds of undersized whole fish (if you use the 25% liver to whole fish ratio used in the document). A scalloper is allowed up to 16,600 pounds whole fish per trip, with an additional 1660 livers. In addition, the proposed regulations do not address the trips landing both monkfish tails and round monkfish.

We would suggest that the language be changed/clarified to proportional livers to tail landings or on a 1:1 basis or that if monkfish is landed whole, no additional allowance of livers should be permitted. If fishermen are currently landing livers and discarding monkfish, we do not see any justification given for allotment of additional liver landings.

#### **Qualification criteria**

We support the preferred qualification criteria in Alternative 3. We are unclear about the status of vessels who do not qualify for a groundfish, fluke or a limited access monkfish permit. As documented in numerous controlled access FMP's, there will likely be some vessels that fall through the cracks and suggest some modest bycatch allowance be included for such vessels. We also suggest that vessels fishing in certified fisheries be allowed a 10% monkfish bycatch.

#### **Gillnet requirements**

Trip gillnetters will be required to tend their gear under the days at sea monitoring proposed and return to port with all gear. This may not be possible for smaller vessels who do not have the room onboard to carry all their gear. Dayboat gillnetters apparently are the only gear type to have to take additional time out of the fishery during the spawning period. An evaluation of this inequity in relation to National Standards should immediately be conducted. A 20-day block of time out of the fishery is required between March 1 - May 31 ( currently under the groundfish plan ), and 21 days during April thru June is also required along with the 120 day out of the monkfish fishery requirement.

I have been trying to get clarification from the NEFMC staff and others on the above, and have not yet received a good explanation on this question. Apparently, there is also another time out requirement proposed in the Framework adjustment which needs to be clarified at the public hearing.

Looking at the other alternatives, it is clear that the Councils intended to impose some sort of spawning closure, yet in this alternative, only gillnetters are targeted for the additional time out of the fishery. It should also be stated that if spawning closures are implemented through a combination of the alternatives, there should be a modest bycatch or trip limit allowance for all vessel types.

The 80 net limits and gear tagging requirements gillnetters is believed to be a vehicle to achieve some level of effort reduction. While effort reduction is needed for monkfish to prevent further overfishing, it would certainly not achieve the FMP's target if only one sector (gillnetters) is required to reduce its fishing power. I believe under the Framework Adjustment the provision the gillnet limit was set to 160 flounder nets, therefore to maintain uniformity between FMP's, a maximum of 160 net cap should be considered for this fishery.

It is apparent that the joint Councils plan is attempting to tie this proposal to ongoing efforts through Framework adjustments to the Multispecies Plan and we commend those efforts. The monkfish plan presents a complex mix of challenging alternatives that are dependant upon trip and size limits and a total allowable catch (TAC) in an effort to reduce fishing mortality. We respectfully request that the above comments be considered for optimal conservation balance between monkfish stocks and the industry.

Thank you for the opportunity to comment on this plan.

Sincerely,

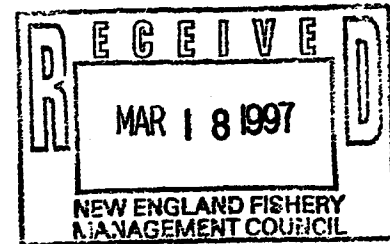


John A. Stolgitis,  
Chief

cc Mid-Atlantic Fishery Management Council







March 17, 1997

Mr. Joseph M. Brancalone, Chairman  
N.E. Fishery Management Council  
5 Broadway  
Saugus, MA 01906-1097

Dear Mr. Brancalone:

I attended the N.E. Fishery Management Council Public Meeting regarding the Monkfish amendment today, at the Seaport Inn, Fairhaven, MA, on behalf of Shore Support. Shore Support is an organization in New Bedford that represents the fishermen and their families here in the New Bedford-Fairhaven area. As Director of this organization, and the wife of a New Bedford scallop boat captain, I have a great deal of concern in this matter.

With all due respect, I would like to state three major problems that I had with this Public Meeting.

The first problem that I have is the fact that this crucial meeting was not advertised, or made known to the fishing community here in New Bedford. The only reason that I was aware of the meeting was that I had heard that a meeting would possibly be arranged here in New Bedford, (something that I feel should have been done prior to the original meeting list advertised by the Council) and so I called our local representative on the Council, Rodney Avila, who gave me the necessary information. It appears to me, at times, that the Council makes it as difficult as possible for our men and women to take part in an already difficult process. Today's sparse attendance seemed to me to be a result of that tactic.

The second problem that I have is the timing of this Public Meeting. I find it baffling that this Council would schedule a meeting regarding an amendment that many members of our fleet have just received copies of the day of the meeting, the day before written responses are due in your offices. This tactic does nothing to assure the fishing fleet that its participation is either desired or useful. It would be nearly impossible for someone who just received all of this information, in this extremely intricate amendment, to formulate an opinion and send it to your office without researching the amendment draft prior to the meeting.

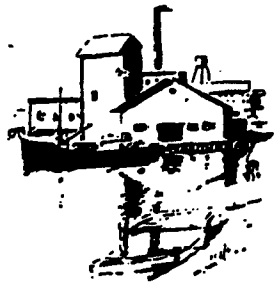
My third and final problem relates to the number of representative from the Council that attended the meeting. I wonder if this Public meeting would be legally correct with less than a quorum present to represent the Council. Again, I feel that this is another example of the New Bedford-Fairhaven fishermen and their families being treated as a less important entity in the Council's eyes. Mr. Applegate and Mr. Avila showed obvious concern for our opinions, however, considering the infrequency that the Council graces us with their presence, they could have at least sent a quorum of their membership. I wonder why the most productive seaport in the Council's jurisdiction is given the least amount of consideration in its decision making process.

Because of these challenges, I encourage the New England Fishery Management Council to reconsider the speed with which it is trying to build this amendment. Allow us time to gather and absorb the data and principles that the Council is using to build this amendment, and allow us time to participate in the process.

Sincerely,

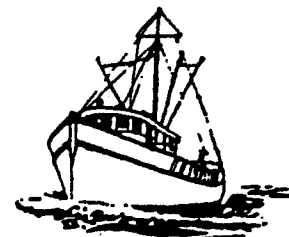
A handwritten signature in cursive script, appearing to read "Debra Shrader".

Debra Shrader  
Director  
Shore Support  
P.O. Box 5626  
New Bedford, MA 02742



# North Carolina Fisheries Association, Inc.

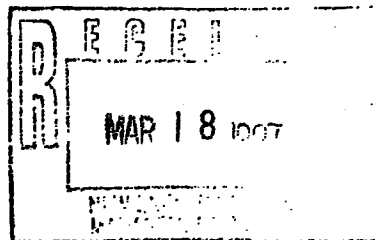
P.O. BOX 12303  
New Bern, N.C. 28561



Phone: (919)633-2288  
FAX: (919)633-9616

March 14, 1997

Paul Howard  
Executive Director  
New England Fishery Management Council  
5 Broadway  
Saugus, MA 01906-1097



## **RE: Comments on Draft Amendment 9 to the Multispecies Fishery Management Plan to Regulate Monkfish**

Dear Paul:

Thank you for the opportunity to comment on "Draft Amendment 9 to the Multispecies Fishery Management Plan to Regulate Monkfish." Please accept these comments on behalf of the members of the North Carolina Fisheries Association (NCFA). A number of NCFA members harvest monkfish directly/indirectly and will be impacted to varying degrees by the proposed regulations.

NCFA participated in the public hearing on February 28, 1997 in Nags Head, NC. Here we expand our original, oral comments.

1) The public hearing document and meeting schedule were not provided in a timely manner prior to the meeting. NCFA did not receive the information until Friday, February 21. Clearly, the NEFMC cannot expect serious public input by providing such a short time frame, particularly during the monkfish fishing season.

Poor timing notwithstanding, it does appear that some good information was provided at the NC public hearing. Some NC commercial fishermen have been inadvertently left out of the proposed monkfish regulations. We respectfully request the NEFMC & MAFMC work with the NCFA to address this legitimate concern.

Jerry Schill  
President & Secretary

Ext. 121

Rick Marks  
Vice President  
Governmental Affairs & Science  
Ext. 122

Sandy Semans  
Vice President  
Communications  
Ext. 123

Sarah Schill  
Office Manager

Ext. 120

Dawn Swindell  
Advertising Coordinator

Ext. 124

2) NC flounder fishermen (trawlers) historically land monkfish along with summer flounder. The State of NC commercial landings database contains accurate, historical monkfish landings data. How will NC vessels with a history of landing monkfish be treated in the proposed amendment? Obviously, it would be inherently unfair not to allow NC trawler fishermen continued access to this resource in the form of a bycatch allowance.

3) According to the last paragraph on page 3 of the hearing draft, the southern fishery management area (SFMA) extends as far south as the VA-NC border and stops at statistical area #631. This is not consistent with the range of monkfish as fishermen are catching monkfish 7-30 miles off the NC coast (areas #631 & 635).

4) The public hearing document (page 4) clearly states "a limited access program for vessels that target and land large volumes of monkfish will be based on historic participation from February 28, 1991 to February 27, 1995 (control date). Since NC gillnet fishermen do not own multispecies permits, naturally they were never informed that a monkfish control date was either pending or instituted.

NC gillnet fishermen did not start targeting monkfish until March 1995, several of them even later than that. They all have made substantial gear investments to start this fishery and should not be excluded from continuing to participate. In essence, they are being penalized for developing a limited fishery that provides an opportunity to harvest species other than weakfish, bluefish, dogfish, and shad. Considering the current management situation for these other species, the NC monkfish gillnetter should be applauded, not punished.

Furthermore, even if these NC fishermen (approx. 6) did fit in under the control date, they typically do not catch the large amounts of monkfish or fish the large number of trips necessary to qualify for a permit under the "preferred option". However, they cannot operate under extremely low trip limits or measures allowing for monkfish to constitute only 10% of the total catch since these fishermen will target and land exclusively monkfish during January-April.

Finally, these NC fishermen are right now fishing next to vessels from the northern area that will continue to fish off NC and catch monkfish while NC monkfish fishermen will not be able to do the same if the proposal remains unchanged. This is unfair to NC fishermen and directly violates National Standard #4 of the Magnuson-Stevens Act.

Therefore, NCFA strongly urges the NEFMC & MAFMC consider allowances for these gillnet fishermen now actively catching monkfish. This can be accomplished by the following:

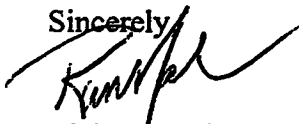
- 1) Extend the SFMA (and the formal range of monkfish management) to include statistical areas #631 & #635.
- 2) Gillnet fishermen fishing in Statistical Areas #631 & #635 with at least 1,000 lbs of whole monkfish landed and recorded on valid state landing tickets between January 1, 1995-March 14, 1997 should be granted a permit and a number of days-at-sea to target harvest monkfish.

- 3) Due to the short, sporadic monkfish fishing season in these southern areas and what is known of monkfish spawning habits, how necessary is the proposed 20-day March 1 to May 31 spawning closure for these areas?

In the past, the NEFMC has reconsidered time frames other than that specified in the initial control date (i.e. scallops). Therefore, a re-examination of this monkfish situation, particularly if the problem is limited in scope, is not an unreasonable request.

Thank you again for the opportunity to comment. We look forward to working with both councils to provide all fishermen fair and equitable access to the monkfish fishery, particularly those in the southern most areas of the range.

Sincerely,

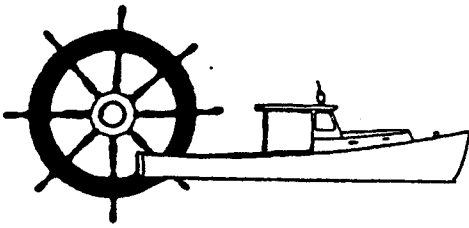


Rick E. Marks

VP Government Affairs & Science

cc. D. Keifer, MAFMC





**NEW HAMPSHIRE  
COMMERCIAL FISHERMENS ASSOCIATION**  
P.O. BOX 601, RYE, NEW HAMPSHIRE 03870

MAR 18 1997

Senator Judd Gregg  
99 Pease Ave.  
Portsmouth, New Hampshire 03801

March 17, 1997

Dear Senator Gregg,

The attached document is with regards to the N.H.C.F.A.'s views and comments to an upcoming fishery management plan for monkfish. This species represents ever increasing value to fishermen of New Hampshire so naturally we hope that you also would have interest in our expressed comments. The fishermen of this state are more than willing to contribute to the rebuilding and preservation of this resource but we find conditions within the "Draft Amendment" that we hope would be corrected before final action is taken. In doing so, we have passed our concerns to you. If there are any questions please do not hesitate to contact us. As always, thank you for your time and concern.

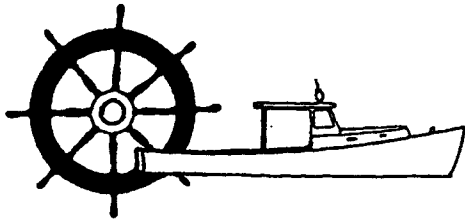
Respectfully,

*Erik*

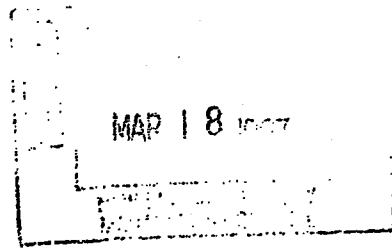
Erik Anderson, Pres.  
N.H.C.F.A.







**NEW HAMPSHIRE  
COMMERCIAL FISHERMENS ASSOCIATION**  
P.O. BOX 601, RYE, NEW HAMPSHIRE 03870



**N.E.F.M.C.**  
**5 Broadway (Rte 1)**  
**Saugus, MA 01906-1097**  
**Attn. Paul Howard, Executive Director**

**March 15, 1997**

**Re: Draft Amendment 9 to the Multispecies Fishery Management Plan to Regulate Monkfish.**

**Dear Mr. Howard,**

This organization would like to pass comment on the Draft Amendment 9. After review of the "Public Hearing Document " there are concerns that we feel must be addressed. It should be noted that this organization represents approximately 30 vessels affected by this management action. These vessels are either otter trawl or gillnet gear types considered in a small boat category. Our comments and concerns are reflective of some of the same discussion that was presented at the public hearings.

1) Our first concern is that the public hearing document does not define a "F-target" for the northern range. This is stated on page 3 of the document "For the northern area F-target is currently undefined". In most management schemes there is at least a scientifically defined goal within this subject and we feel that it has not been adequately addressed to proceed with establishing Northern Fishery Management Area (NAFA) Total Allowable Landings (TAL).

2) We find a questionable equity difference in establishing different rates of mortality reduction between the NFMA and the SFMA as mentioned on page 2 and 3 of the document. The expected rate of mortality reduction for July 1, 1997 - June 30, 1998 for the NFMA is 46% and only 30% for the SFMA. After June 30, 2002 the reduction is 67% for the NFMA and 54% for the SFMA. Why does such a difference exist and especially so if there is no F-target for the NFMA? The participants of this organization are more than willing to do their share for preserving and rebuilding this resource but expect that equity prevail between the two management areas of the stock.

3) While this organization supports the proposed "Alternative 3" in general there are conditions within the alternative that we feel are inappropriate and unequitable.

4) As a question of clarity would a scallop vessel using its "days at sea" allocation in a scallop target be allowed to land monkfish with a less than regulated mesh. We recognize the extreme difficulty in crafting this plan and taking into consideration the past history of the scallop fishery in their historical landings but in the climate of resource preservation and rebuilding it is questionable whether this should continue. Other fisheries with bycatch problems have been mandated or encouraged to correct the bycatch condition with gear modifications. We are not completely clear of what is allowed under this plan for monkfish landings for a scallop target trip.

5) On page 10, item 6 it states in the last sentence "would be prohibited in the existing closed groundfish areas, as modified by future amendments or framework adjustments to the

**Multispecies FMP.** Our comment here is that we support the current closed area actions established in Amendment 7 and up to Framework 20 but future actions may focus on different concerns with regards to other specific species. As an example increased codfish mortality reduction might drive the need for future considerations to closed areas. Does this mean that because of this action a monkfish target fishery (especially with the recommended large mesh requirements) be subject to the newly considered cod mortality reductions? We hope that our point is being made that in comparing the two fisheries as the same is not appropriate.

6) As a small point that needs clarification we raise question to a statement on page 11, reference #3 (bottom of the page) last sentence "No days.... or gillnets were used." Why were gillnets excluded in the reference of the subject described in the main text of the document and the reference #3.

7) **IMPORTANT** We raise considerable concern with the "net limit" discussion described on page 12, item 3, and further defined on page 14, item 6. While we support the net tagging concept as described in the gillnet requirements of Framework 20 we **DO NOT** support having what translates into a 80 net cap for the gillnet monkfish fishery. In itself, this is the only fishery required to have gear controls within this plan. The cap/reduction of 80 monkfish nets for the gillnet sector is far and above much too restrictive. Historically this sector has fished higher quantities of gear and would feel that since caps/reductions are appropriate for the sector it would be better reflected to see those caps/reductions in 160 nets which would be the same as flounder net cap/reduction of the gillnet plan. We question where this 80 net cap/reduction figure was derived, in consideration of the gillnet historical and current participation. We feel very strong in this matter and would hope the final draft of Amendment 9 reflect that change.

8) Finally we would like to comment on a matter outside our geographical domain but in consideration to other small boat fishermen much like the make-up of our organization. We understand that vessels in the Mid-Atlantic without multispecies permits and only capable of qualifying under a "monkfish only" status will be eliminated from participation in this fishery of their home state because they might not have had the necessary history required under the control date. We find this unfortunate and would hope that any and all considerations be made to these individuals in some regards of this plan to allow them access to this resource in some capacity.

This concludes our comments and while we have passed comment on particular items we do not want to diminish the difficulty of this management issue and those that have worked hard in drafting this plan. We commend them on their effort and hope that the final draft takes into account our comments.

Respectfully,  
New Hampshire Commercial Fishermen's Association



# New Bedford Seafood Coalition

nbsc@ma.ultranet.com

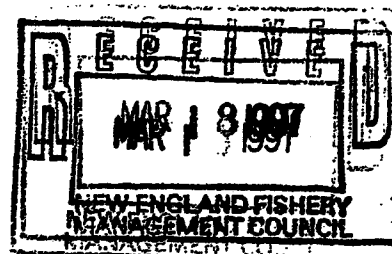
Jim Kendall  
Executive Director

104 Co-Op Wharf  
New Bedford, MA 02740

phone (508) 997-0013  
Fax (508) 997-0913

March 18, 1997

Paul J. Howard  
Executive Director  
New England Fisheries Management Council  
5 Broadway, Route 1 South  
Saugus, MA 01906-1097



Dear Mr. Howard:

I would like to make several comments that I feel need to be addressed regarding the proposed monkfish management plan, and the public hearing process. While I know that these oversights were not your fault Paul, it is to you that I must address these grievances

First, I would like to address what I feel were several short comings with the hearing process. That New Bedford was almost overlooked, as a place where a public hearing on the monkfish management plan would be held, was unfortunate. What might be of even more concern, is that many of those present stated "that they only learned of the New Bedford (Fairhaven) meeting by chance or at a very late point in time." That the attendance at this meeting was by far the largest and the most participatory of any of the other hearings causes me to wonder what might have been. Many of the people I spoke to expressed the concern that they had little knowledge of the issues at hand. While normally this might be the fault of the fishers to keep abreast of the management process, in this particular case that might not be an appropriate response. Many of the people I expected to see at the New Bedford meeting were not present, and I must wonder why.

Second, I must protest that the cut off time, (today March 18, 1997) for public written response, is inappropriate given the fact that the final hearing was held just yesterday.

Third, is that the attendance by the members of the monkfish management committee is an embarrassment to the council, and an affront to the fishing industry of greater New Bedford. That monkfish have become a major species of concern throughout the East Coast would seem to require more attention to the actual responses put forward at the public hearing process. The one saving grace is that both

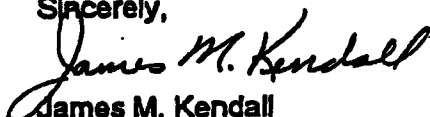
cc: EXD (3/18)

Rodney Avila and Andy Applegate (the only two persons representing the New England Fisheries Management Council) did exemplary jobs in conducting the meeting, and no-one will find fault with that.

I have several major concerns that I made mention of at both the Portland, Maine and the New Bedford meetings. These range from concern that I do not believe that monkfish should be made a part of the Amendment 7 (groundfish plan). They should be managed as a separate plan (similar to the summer flounder plan or other such programs). The value, scope of participation, the variant ports and gears involved in this fishery all seem to necessitate a separate management plan. While I understand the urgency to implement a management plan, to take what at first might seem to be the easiest route at this time, once again will place the burden upon those least able to bear it.

Due to what time constraints I am forced to reply in, I will end these comments with the hope that after some consideration to the factors involved with this management plan; that the New England Fisheries Management Council will extend the time limits involved.

Sincerely,

  
James M. Kendall  
Executive Director

Cc: Joseph M. Brancalone

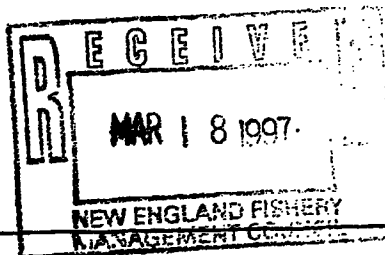
Jim McCauley

Secretary of Commerce William M. Daley

Senator Edward M. Kennedy

Senator John F. Kerry

Congressman Barney Frank



March 18, 1997

*National Headquarters*  
257 Park Avenue South  
New York, NY 10010  
(212) 505-2100  
Fax: 212-505-2375

Mr. Joseph M. Brancalone  
Chairman  
New England Fishery Management Council  
5 Broadway  
Saugus, MA 01906-1097

Re: Comments on the February 5, 1997 Public Hearing Document for Draft Amendment 9 to the Multispecies Fishery Management Plan to Regulate Monkfish

Dear Chairman Brancalone:

This letter represents the comments of the Environmental Defense Fund (EDF) on the February 5, 1997 Monkfish Public Hearing Document.

- 1) EDF urges the New England Fishery Management Council to move quickly to complete its deliberations and to approve and submit to the National Marine Fisheries Service (NMFS) a fishery management plan (FMP), or FMP amendment, to stop overfishing of monkfish and to rebuild the depleted monkfish stocks. It is a tragedy that the Council and NMFS have allowed this biologically vulnerable and poorly understood fish species to be discovered and targeted as a valuable "underutilized species" and then to become quickly overfished and depleted, all in less than a decade.
- 2) The steep increase since 1988 in monkfish landings coupled with the steep and steady declines since 1980 in monkfish mean fish sizes, since 1988 in the proportion of mature females, and since 1983 in relative biomass all point to a classic case of severe overfishing and stock depletion. Because monkfish are long-lived and slow to mature the impacts of continued overfishing are dangerous.
- 3) The draft monkfish amendment does a good job of evaluating many alternative management measures so as to help the Council identify a combination of measures that would maximize the short-term economic returns and minimize the short-term economic disruptions during the monkfish rebuilding period and would distribute the economic burden of rebuilding as fairly as possible.
- 4) The draft monkfish amendment proposes to stop overfishing too slowly however -- not until the seventh year of the plan. Furthermore, the bases for the predictions of reductions in fishing mortality to achieve the objective of stopping overfishing are too uncertain and therefore the predictions are overly optimistic. Thus, there is a substantial likelihood this plan will fail to achieve its own objectives for stopping

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Washington, DC 20009  
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Oakland, CA 94618  
(510) 658-8008

1405 Arapahoe Ave.  
Boulder, CO 80302  
(303) 440-4901

128 East Hargett St.  
Raleigh, NC 27601  
(919) 821-7793

44 East Ave., Suite 304  
Austin, TX 78701  
(512) 478-5161

overfishing and rebuilding a depleted fishery, even though the timetables for achieving both these objectives is excessively long.

- 5) Because the increase in fishing effort and landings in the monkfish fishery happened quickly it is reasonable for the Council to now take action to quickly reduce monkfishing effort and landings, especially directed monkfishing effort and landings -- much more quickly than draft Amendment 9 proposes.
- 6) Reductions in effort and landings necessary to stop overfishing of monkfish should be achieved in the first year of the plan, not in the seventh. Delaying ending overfishing only delays rebuilding and delays the economic benefits to the fishery from having a rebuilt fish population that could sustain higher landings in the future.
- 7) It does not make sense that the proposed timetables in the public hearing document would postpone ending overfishing until year seven but would purport to be able to achieve the stock rebuilding objectives only one year later, by the end of year eight.
- 8) Total allowable catch limits (TACs) would be much preferable to TALs, whether used as firm quotas or as targets. It is critical to take into account accurate determinations of discards and discard mortality.
- 9) Among the various alternative approaches presented in the public hearing document for achieving the objectives of stopping overfishing of monkfish and of rebuilding depleted monkfish stocks, Alternative 3 contains many advantages over the other alternative approaches.
- 10) Alternative 3 requires less reliance on trip limits than do the other alternatives. The benefits of trip limits can be difficult to predict and to monitor and verify because they often result in substantial discards.
- 11) An attractive feature of Alternative 3 is that it would bring monkfish under Amendment 7 to the multispecies FMP and would designate monkfish as a regulated species of concern like cod, haddock and yellowtail flounder. The public hearing document implies but does not explicitly state one very important consequence of designating monkfish as a regulated species of concern. This consequence should be stated explicitly -- management performance relative to target TALs and to other criteria and possible changes in current management measures would be evaluated annually by the Amendment 7 Multispecies Monitoring Committee (MMC), and the MMC recommendations concerning monkfish would have to be acted upon by the council, all on the same timetable and following the same procedures as apply to cod, haddock and yellowtail flounder.
- 12) Management Objective 1) on page 2 of the public hearing document is misleading because it implies that the spawning stock is healthy, which obviously it is not. This

3

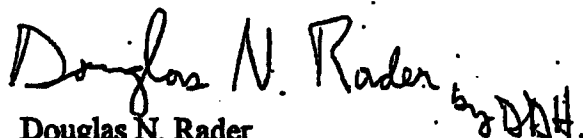
clause should be revised to read as follows: "1) To prevent overfishing and to rebuild and maintain a healthy spawning stock."

Thank you for considering these comments.

Sincerely,



D. Douglas Hopkins  
Senior Attorney



Douglas N. Rader  
Senior Scientist





Although no one has ever suggested that a fisheries management plan has to be logical, it would be more meaningful if the management of the monkfish in the southern Area was divorced from the multispecies plan. Although a case can be made for the interrelatedness of the monkfish and multispecies stocks in the Northern Area, there is no logical connection between the Southern Area monkfish stock and multispecies. The Southern Area stock must be managed independently of the Northern Area stock.

My suggestion to the approach that could be taken, is to remove the Southern Area from the proposed plans, and group all species found in the Southern Area together in a management plan. All participants who can demonstrate 1 pound of landings of any of these species will be given some level of participation in this targeted fishery. It would provide those of us who traditionally were dependent on the multispecies fishery with some limited alternatives in other fisheries. It would match the alternative that was given to those who historically had more diverse fishing practices, and who can now fish in the multispecies fishery as an alternative to restrictions they are facing in their non-multispecies fisheries.

You have clearly put a great deal of effort into developing a plan for monkfish, and your personal efforts are appreciated. However, I feel strongly that this proposal not only will compound some of the economic inequities we small business owners are facing as a result of Amendments 5 and 7, but also does not reflect good sound logic, particularly as it relates to the Southern Area plan.

Thank you for the opportunity to comment.

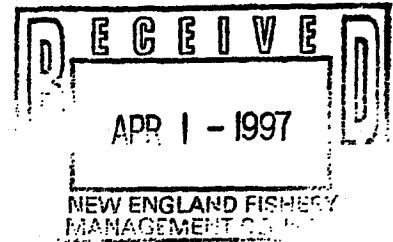
Sincerely,



Kathy Downey  
President



70 Ledge Road  
Wakefield, RI 02879-2266  
April 1, 1997



New England Fishery Management Council  
5 Broadway  
Saugus, MA 01906

Dear Sir or Madam:

Please forward this letter to the monkfish committee. Enclosed are monk plan public hearing follow up comments for the amendment 9 monkfish plan.

I'm writing this letter as a concerned monkfisherman from Pt. Judith RI. I gillnet for monkfish with 12 inch mesh in waters south of Pt. Judith. I am in favor of alternative 3 (days at sea management) however, there are a few points of clarity which must be expressed. First of all there must be a reasonable qualifying criteria for non multi-species permit holders. Anyone who wasn't operating under a days at sea permit was unfairly shut out of a clean large mesh gillnet fishery when the exemption expired in Oct. 1996. There was no concern for fisherman who were participating in this fishery who have been put out of business in the meantime. I gave up my groundfish permit when all the new regulations began increasing and groundfish stocks were diminished. I have been fishing for monkfish for two years before the Feb. 27, 1995 control date. I have done my part in conserving depleted groundfish by giving up my multi-species permit and not working on regulated species. I don't think its asking too much to have a qualifying criteria that small boat owners (under 50 gross registered tons) who have participated in this fishery before the control date can meet reasonably.

example of the qualification criteria which is reasonable for small boats

for vessels over 50 gross tons	50,000 tails or 150,000 whole
--------------------------------	-------------------------------

for vessels 25-50 gross tons	11,250 tails or 37,350 whole
------------------------------	------------------------------

** for vessels under 25 gross tons	5,625 tails or 18,675 whole
------------------------------------	-----------------------------

\*\* (this would be reasonable for the small boats to qualify)  
(all weights would still be before the Feb. 27, 1995 monkfish control date)

An issue under alternative 3 that is unreasonable is limiting the number of monknets for gillnet fishermen to 80. The number of nets traditionally fished by the gillnet sector in large mesh monk fishery is probably closer to 150. I believe that days at sea management in itself would be a reduction in effort. If the net limit is 80 for example, and I can haul 80

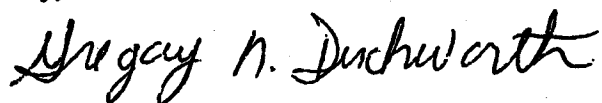
nets in 6 hours on my boat with a 1 hour ride out and a 1 hour ride home , I would be declared a 15 hour day for 8 hours away from the dock. This is totally unreasonable! A day gillnetter should be given enough gear to at least fish a 15 hour fishing day if that's how much time he will be charged for. In conclusion 80 nets is not enough for the day gillnet sector. I believe a net limit of 150 would be reasonable.

In declaring time out of the fishery under the monkfish plan under alternative 3, I believe it is unreasonable to require a 21 day block in a specific time period. When fishing out of Pt. Judith RI, gillnet fishermen have already been required to take the month of March out of the fishery due to the harbor porpoise closure. I believe it is unreasonable to ask this same group of fishermen to then declare an additional 21 days out of the fishery by the end of June. I believe it would be better to allow the fishermen to decide when their blocks out would be.

As a small boat owner (under 25 gross registered tons), I know I depend on the spring gillnet fishery. Any efforts to curtail the spring fishery would have drastic consequences to the small boat gillnet owner. As a small boat owner and operator, the spring monkfish fishery is essential because the weather is such in the spring that I can conduct business. Any possibility of a spring closure could not be accepted because the weather in the fall is such that all smallboat owners would be put out of business because our fishing time in the fall months is severely limited by the weather we can fish. This is due the small size of our vessels. It is imperative that whatever plan is adopted, small boats must be allowed to use their days when they choose.

In summary, I am in favor of days at sea management under alternative3 of the monkfish plan. I believe the larger fish and tail size is a good thing. I believe with the recommendations given above could preserve the monkfish as well as the fishermen.

Sincerely,

A handwritten signature in cursive script that reads "Gregory N. Duckworth". The signature is written in dark ink and is positioned below the word "Sincerely,".

Gregory Duckworth



# New Bedford Seafood Coalition

[nbsc@ms.ultranet.com](mailto:nbsc@ms.ultranet.com)

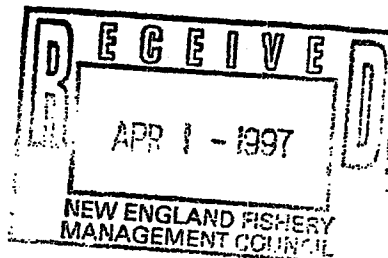
Jim Kendall  
Executive Director

104 Co-Op Wharf  
New Bedford, MA 02740

phone (508) 997-0013  
Fax (508) 997-0913

March 31, 1997

William M. Daley  
Secretary of Commerce  
Department of Commerce  
Room 5854, Herbert C. Hoover Building  
14th and Constitution Avenue, NW  
Washington, DC 20230



Dear Secretary Daley:

I would like to submit for your consideration the following comments regarding the proposed Draft Amendment 9 (Monkfish) to the Multispecies Fisheries Management Plan.

Perhaps the most immediate and significant concern that I will address is that this fishery is of such importance and value to such a large and diverse user group, that it calls for a management plan of its own. How and why this fishery should, could, or would be included in the multispecies management plan is beyond my understanding.

Few, if any, of the multispecies are as far ranging in such concentrations as the monkfish. Few, if any, of the multispecies are as much a part of the everyday traditional catch to so many fishermen. The same holds true for the value of this particular species to so many varied fisheries and fishers. Summer flounder and shrimp are two species that come to mind when I try to explain the worth of placing this species in its own management plan. The fact that the management of this species is overdue is obvious. However sir, I must emphasize that it should stand alone in a separate management plan. There is not, to my knowledge, any bottom-fishing fishery that does share in the wealth of this resource.

The scallop fishery of New Bedford played the most important role in the development of this fishery. The groundfish fleet of New Bedford was perhaps the second most important player in its development. I am making this assertion not to denigrate or minimize the roles of other fisheries but to show a point. If monkfish is regulated as part of the groundfish multispecies management plan, the bycatch of monkfish that is being proposed for the scallop fleet could and would be driven by a management plan (multispecies) that has all but been denied to them.

The landing allowance of groundfish for scallopers has been reduced to a by-catch of only 300 pounds per trip. The bycatch of monkfish for scallopers would depend on which alternative is selected for the new monkfish plan. The proposed allowance for

Council (4-5)



# New Bedford Seafood Coalition

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the bycatch of monkfish for scallopers in Alternative 3 (preferred) unfairly limits a scalloper to trip limits. It does this by allowing them to land 5,000 pounds (tail weight) per trip, or 400 pounds (tail weight) per day at sea, *which ever is less*. The inequity is because of the particular language in the requirement "*which ever is less*." A vessel that chooses to fish for more than twelve days at a time could catch 5,000 pounds, but would unfairly be required to discard any monkfish it catches from that point on in the trip. If a vessel is allowed to retain an amount of species per day, that amount should be allowed to be retained for each and every day that the vessel fishes. A vessel that fished for less than 12 days, but who had intended to fish beyond 12 days as most scallopers now do, would be forced to discard any weight that exceeded the 400 pound per day limit. For example: a vessel fishes for 10 days, and has a total of 5,000 pounds of monkfish tails on board. If he were to continue his trip beyond the 12 1/2 days, all would be well, but if for some unseen circumstance the vessel had to return to port it would have to discard 1,000 pounds of monk tails and up to 250 pounds of livers. In this instance we are not speaking of returning or "discarding" an animal that might under many circumstances survive the ordeal. We would force fishermen to throw away a food product that would be of great value to the fisherman, and to the consumer as well. Citing the same figures that are used (as working examples) in the Public Hearing Document, i.e., \$.90 lb. for tails, and \$6.00 lb. for livers would equate to throwing away \$2,400. As far as I can ascertain this restriction (*which ever is less*) only applies if the preferred Alternative 3 is adopted, and even then it only applies to scallop vessels.

The groundfish vessels were told during the early phases of designing Amendment 5 and Amendment 7 that they would be required to reduce their multispecies fishing days at sea eventually to as low as 88 days. At this time they were told that it would be necessary for them to target species such as monkfish, skate, squid and other less exploited species. Much has happened that might have changed this easy answer, but their problem of too few days to fish remains. Adding monkfish (or any other stocks) to the groundfish aggregate without a corresponding increase in days at sea is not the answer. My concern is that one species, (monkfish or one of the multispecies) could drive the management of the other species with no recourse for individual management decisions. This needs to be addressed.

While I advocate minimum tail size restrictions, I feel that the increase from the (near standard) 11 inch tail size to 14 inches is too large a step for an immediate increase. I would suggest that the standard be set at 12 inches tail size with a corresponding whole fish length for a period of time, with appropriate length increases as the management plan proceeds. This would allow for an immediate conservation benefit as we work towards even greater gains by instituting a standard minimum size. This would provide an increase over what is now the general size standard, and the future size increases, while allowing for increased conservation, would do so at a pace appreciable to fishermen.



# New Bedford Seafood Coalition

[nbsc@ms.ultanet.com](mailto:nbsc@ms.ultanet.com)

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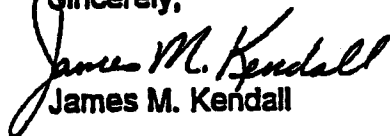
I feel that the qualifying criteria needs to be revisited. The most liberal qualifying criteria, that which calls for requiring documented landings of only one pound, is not realistic nor practical. This would qualify about 1,871 vessels. However we seem to go from the sublime to the ridiculous with the quantum leaps to the next qualifying levels. The documented landing requirements would (depending upon which alternative is adopted) reduce the number of qualifying vessels to 316 & 114 in Alternatives 1 and 4, or 125 & 37 in Alternative 3.

The monkfish committee soon realized in the early planning stages, that the monkfish management plan might prove even more contentious than the multispecies plan did. Some of the difficulties involved in designing this management plan stem from the lack of accurate comprehensive landing figures, and the vastness of the fishery itself both in the range of the resource and of its fishers. Another problem when viewing this plan is the uncertainty of the resource itself. It is still unclear as to whether the stocks are all one resource or if in fact they are separate entities. Many of the alternatives in this plan are based on conjecture and speculation rather than fact, and as such I am sure that the plan is yet in need of further research and planning.

As an early participant in this fishery myself, I am well aware of the need to protect the monkfish stocks from what has become overexploitation. I do feel that we are close to achieving that goal, but I also believe that we have not reached it yet. When we do, the monkfish management plan should stand alone, and should not be incorporated as part of the multispecies management plan, or any other.

Thank you for your consideration of these comments that I respectfully submit for your edification on Draft Amendment 9 to the Multispecies Fishery management Plan.

Sincerely,

  
James M. Kendall

Executive Director

CC: Senator Edward M. Kennedy  
Congressman Barney Frank  
Mr. Rollie Schmitten  
NEFMC

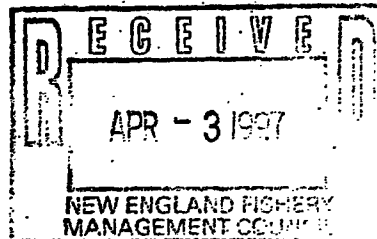
Senator John F. Kerry  
Congressman James McGovern  
Monkfish Committee  
MAFMC







Conservation Law Foundation



April 3, 1997

Paul J. Howard  
New England Fishery Management Council  
5 Broadway  
Saugus, MA 01906-1036

Dear Mr. Howard:

On behalf of the Conservation Law Foundation, I would like to make the following comments on Draft Amendment 9 to the Multispecies Fishery Management Plan to regulate monkfish. I recognize that the comment period for this amendment closed two days ago, but I hope that the Council will be able to consider these comments nonetheless. This is a very complex amendment with a long history of development, which I have not been able to follow in any detail. I limit my comments to the objectives and conceptual framework. I am very concerned to find what appear to be significant failures to address the conservation needs of this species.

1) Objectives. The first biological objective ("to prevent overfishing") appears to be at odds with the fact that monkfish in both management areas are already currently overfished. Furthermore, none of the objectives expresses the clear and appropriate intent of the amendment to eliminate overfishing and rebuild the stock. I recommend that this intent be specified as one of the biological objectives, preferably the first one. I also suggest that the objective that currently reads "to prevent overfishing" be reworded to the following effect: "Once the stock is rebuilt, to prevent overfishing in the future."

2) Rebuilding schedule and proposed reductions in F. The rebuilding schedule is probably well set at eight years, or two times the monkfish maturation time (p. 24). Rebuilding is achieved, in general terms, once fishing mortality rate ( $F$ ) is reduced enough to allow stock size to increase. The amendment specifies that "monkfish would be considered to be 'rebuilt' when the stock biomass is above the 1965-1981 average and when fishing mortality is below  $F_{\text{target}}$ " (p. 24). There is, of course, a time lag of some years between reducing  $F$  sufficiently and seeing an increase in stock size. This draft amendment, however, appears to ignore that time lag and appears not to reduce  $F$  sufficiently to get below  $F_{\text{target}}$  and thus allow rebuilding.

Council (4/4)  
ExD, AJA

## Conservation Law Foundation

F will be reduced to the overfishing level in year seven, yet rebuilding is expected to occur only one year later (p. 17). This appears to be impossible, at least conceptually. The overfishing level is intended to estimate  $F_{rep}$ , the fishing mortality rate that results in long-term replacement of the stock (p. 21). An increased stock can only be expected to occur when F is lower than  $F_{rep}$ , yet it appears that the proposed measures will never achieve such a lower F. "Without accounting for improved size selectivity, the total allowable landings would need to be reduced to 2,148 mt and 4,927 mt, respectively [to the northern and southern management areas], to stop overfishing." (p. 9) This level of landings is not scheduled to be achieved until year seven. At this level, no further decline in stock size is to be expected, and no increase either. How, then, can the Council claim that it expects the stock to be rebuilt one year later?

Perhaps the answer to this question lies in the "complementary measures that will potentially improve size selectivity" (p. 9). If improvements in size selectivity are being counted on to reduce fishing pressure from  $F_{threshold}$  (the point of no further decline) to  $F_{target}$  (the level needed for rebuilding), then these improvements are absolutely essential to the success of this amendment. I can find no clear explanation of what those measures are and how much they are expected to accomplish. Instead I find this statement: "the magnitude of these improvements are difficult to quantify and depend on changes in fishing behavior" (p. 9). It is hard to believe that the intended approach will be adequate to achieve the needed rebuilding.

Elsewhere in the document are indications that much greater reductions in F are needed than are planned. Table 3 states that the management advice for the current condition of monkfish (high exploitation and low biomass) is to "reduce mortality to well below  $F_{target}$  until stock recovers" (p. 23). This phrase is repeated on the next page. Yet nowhere in this document can I find any evidence of an intention to reduce F to any level lower than  $F_{threshold}$ . It appears that the appropriate management advice for the current condition of monkfish is not being applied and that much steeper and faster reductions in fishing pressure are needed.

I hope there is something that I have overlooked in this document that will reverse my impression that it suffers from fundamental flaws because it does not attempt

## Conservation Law Foundation

to reduce fishing pressure enough to allow rebuilding, as required by law. I recognize that much of the Council's attention has been focused on very difficult allocation issues that arise from the diversity of gear types that catch monkfish, and I fear that in the process the overall conservation needs of the stock have been overlooked.

Thank you for your consideration.

Sincerely,



Eleanor M. Dorsey  
Staff scientist



RECEIVED

- 3 1998

**Statement regarding  
Monkfish Management**  
on behalf of  
the Center for Marine Conservation,  
the Environmental Defense Fund  
and the Conservation Law Foundation

**Monkfish Public Hearing  
Atlantic City, New Jersey  
January 28, 1998**

We commend the Councils, the Monkfish Committee and the staff on their hard work in developing these measures, as well as on a document that is remarkably readable considering its content.

Though our participation in the New England fisheries management process, our organizations have come to recognize the significant conservation challenges and diverse interests that are associated with the monkfish fishery. Considering this complexity, we feel the Councils have done a good job of balancing a wide range of conflicting perspectives in this proposal.

We remain concerned that the proposed strategy to take four years to end overfishing is not aggressive enough and that the 10 year rebuilding period is risky in light of the new requirements of the Sustainable Fisheries Act.

Our most serious concern, however, involves the lengthy delays in establishing management measures for this seriously overfished resource. We urge the Councils to move forward as expeditiously as possible to complete and submit this important amendment.

We are pleased that monkfish management will be subject to annual scientific review and Council framework adjustment. As is the case with New England groundfish, we feel this adaptive process will be crucial to the success of the monkfish plan, given uncertainty as to the effectiveness of the proposed measures.

Please count on our support in swiftly completing this difficult five-year process. Thank you for considering our views.



To: Andrew Rosenberg, Eric Smith, Monkfish Committee Members,  
Mid-Atlantic Council Members, New England Council Members,  
and the Secretary of Commerce

Comments on the Monkfish Public Hearing Document

**COMMENTS ON MONKFISH PUBLIC  
HEARING DOCUMENT dated 1/12/98**

**Qualification Criteria:** The monkfish control date and qualification criteria should apply to all user groups fairly. After the first public hearing it was clear that there should be different qualifying criteria for small boats (under 51 gross tons). This is very fair. This new public hearing document says that multi-species permit holders who have large boats (over 51 gross tons) need only to qualify with the small boat criteria. This is not fair. By doing this, you would give an inherent advantage to big boats with multi-species permits who would not qualify if held to the original criteria. All large boats should qualify with the large criteria (they are big boats, therefore they should be able to show big landings to qualify to direct on monkfish).

**Control Date:** The control date should apply to all user groups. It does not as is written in the new public hearing document. Example: A 55 ton gillnetter fishing in the southern management area (who already gave up his multi-species permit years ago because he didn't work on cod or flounder or regulated groundfish) This boat primarily worked on dogfish, skates, bluefish, crabs, lobster and monkfish. If he has monk landing of 45,000 pounds of monkfish before the control date, he will be given 0 days to target monkfish. A 55 ton dragger that has retained his multi-species permit, however, can only prove 7500 pounds of monkfish before the control date would be given 88 days every year to redirect and target monks with no trip limit for the first three years of the plan. How is that fair? Quite simply it's NOT. By doing this, you are in effect letting this dragger increase his effort on monkfish immeasurably after the control date while at the same time denying his counterpart the gillnetter (who had a lot more effort before the control date) to participate in the fishery. The control date kept the large gillnetter with no permit out of the fishery and yet at the same time the control date allowed the dragger with a multi-species permit a HUGE effort increase after the same control date.

It is real easy to rectify this problem. All vessels under 51 gross tons (draggers, scallopers, and gillnetters) qualify with 7500 pounds of tail weight before the Feb. 27 '95 control date. All large vessels over 51 gross tons (draggers, scallopers and gillnetters) qualify with 50,000 pounds of tail weight before the control date. The multi-species groundfish permit should not be a special pass through the qualifying criteria.

**Allocation of Days:** Once everyone qualifies by the same control date and respective criteria, allocation of monkfish days should be allocated. These days should be allocated evenly between all user groups. Under the current monk plan all gillnetters who qualify with multi-species permits are given 88 days to target monks. Their counterparts (gillnetters without multi-species permits) are given 40. They both had identical historical participation in the fishery before the control date. Both met the same qualifying criteria but one boat is given 220% more days to target monkfish. How is this fair? Quite simply

it's NOT. If 40 is considered the appropriate number of days to target monkfish for qualifying boats, 40 days should apply to everyone.

**Reduction of Days and Effort:** Once everyone has met the control date criteria and days have been allocated, effort reductions should be made fairly to meet plan objectives. All gillnetters should be made to reduce, all draggers, and all scallopers. Under this current plan some groups increase effort, some groups reduce effort, some have drastic downward reductions and some can upwardly increase their effort. It's very confusing and GROSSLY UNFAIR.

example of inequalities with this document:

-large dragger with multi-species permit who before the control date made one trip of 10,000 monkfish before the control date. Under the 7500 pounds criteria he will be allowed to target monks with no trip limit for 88 days in the first 3 years of this plan. He could increase his monkfish effort to target monkfish for 88 days per year and land 1,000,000 pounds of tails per day for the first 3 years. Net effect of monk plan on this boat is estimated at +10,000% (you get the point). THIS IS NOT FAIR & it is not CONSERVATION

- gillnetter with no multi-species permit who historically fished for monkfish 100 days per year before the control date and landed 3000 pounds of tails per day is cut to 40 days under this plan. He may also be limited to 300 pounds of tails per day depending on which alternative is chosen. With the initiation of 40 days, this boat has a dramatic reduction of -60%. If he is limited to 300 pounds of tail weight per day; his initial reduction in the first year of the plan would be -2500%. He would historically land 3000 pounds for 100 days before the plan: with the first day of the plan he could be limited to 300 pounds for 40 days. THIS IS NOT FAIR. this is too much of a cut. If there were a spring closure put into effect, and this were a small gillnetter his reduction would be even more.

-A dragger with a groundfish permit who qualifies for monkfish could re-rig and target monkfish for 88 days with gillnets(with no trip limit),but the gillnetter who qualifies for monkdays (with no limited-access permit) who has been targeting monkfish his whole life is limited to 40 days and may have a trip limit for his 40 days. How is this fair? IT's NOT!

-A gillnetter that qualifies for monkfish (with no limited-access permit) takes and initial cut in days to 40 where his multi-species permitted neighbor takes no reduction in days. He is left with 88. THIS IS NOT FAIR!

In summation, this monkplan needs a few revisions. Under this plan there is a lot of misplaced effort and just as many injustices. The control date seems to apply to some groups but not others. Some large vessels are held to a small qualifying criteria while others are not. Some groups are reducing and others are expanding. Lets get the plan back on track and all qualify fairly, all be held to the control date fairly and even cut back and conserve fairly. I've attended many monk meetings and both public hearings and I only hope this plan is revised for the sake of the fishery

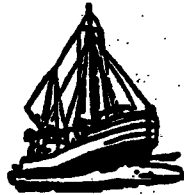
Greg Duckworth F/V Twister & F/V Reaper  
Point Judith RI

*Greg Duckworth 1/29/98*



# T/R FISH, INC.

Phone 207-761-4418  
Fax 207-761-3847



SUITE 211 MARINE TRADE CENTER  
2 PORTLAND FISH PIER  
PORTLAND, ME 04101 USA

Written Comments on Amendment 9 to the Northeast Multispecies  
Fishery Management Plan.

Public Hearing 30 January 1998  
Submitted by

Robert M. Tetrault

Owner:

F/V Tara Lynn	Permit #310331
F/V Robert Michael	Permit #320885
F/V Tara Lynn II	Permit #250547

My three identical vessels are involved in a mixed fishery in the Gulf of Maine. This includes multispecies, shrimp and occasionally scallops. The vessels were designed and constructed for this mixed fishery and have pursued it uninterrupted since built in 1979, 1980 and 1988 respectively. We consider ourselves "career" fishermen, not opportunists. We have prosecuted our various fisheries with responsibility and an eye toward the future. Although qualified, we are not part of the buy-out which lends credibility to our desire to see this process through. We are committed to a sustainable fishery we can pass on to another generation.

The amendment you have before you is one of the more complicated but maybe the fairest I have seen so far. I'm in general support of its' provisions as it allows for minimal discards while still permitting a viable fishery to continue. Monkfish are one of the few harvested fishes that don't lend themselves well to selectivity by mesh size. We all knew this and efforts to continue with mesh size as a fundamental management tool here in New England brings us this complicated plan. Personally I think the committee did a relatively good job with an impossible task.

The Gulf of Maine fishery is recovering, this evidence of recovery is what keeps us viable. Break even business results are the norm. Our numbers are at the critical levels needed to preserve the infrastructure it took hundreds of years to build. This plan deals effectively with monkfish without putting more unnecessary strain on those of us remaining in the mixed fishery. By-catch of monkfish in the Gulf of Maine fishery is unavoidable. The eleven inch minimum size for the northern fishery management area will allow for a legitimate by-catch while deterring any effort at targeting small monkfish. Your plan would be even better if you lowered the liver ratio cap to twenty percent from twenty five. Our ratios in this mixed fishery fluctuate between eleven and sixteen percent depending on the time of year and area fished. Leaving the cap at 25% would encourage the take of small fish for the liver value only. Whether 25% is too high for the other area I can only offer this comment. Why not error on the side of the fish, a 20% cap will certainly keep people focused on catching large fish. I don't believe in regulations that set limits to accommodate the freak in nature, let the industry prove you wrong. At \$10.00 a pound, the facts will come out quickly if you made a mistake.

If the plan doesn't stop over fishing by year four, then the next logical choice from my perspective would be to close areas identified as monkfish concentration areas to "all gears capable of taking monkfish" while still allowing a by-catch in the other mixed fisheries outside the area identified. Stop the directed fishery first! Your fortunate here in that you don't have a fishery that goes back 100 years, it should be much easier to implement this as you don't have 100 years of tradition against you. I'm only forty-six and we discarded monkfish when I first started fishing. The industry took off because of displaced effort and abundance. That's right, there are more now than ever before. The same areas, gear types and effort would yield much fewer monkfish ten years ago. Go back twenty and all day would produce only two or three animals. I'm not advocating a "do nothing" position, only trying to add perspective. I was there.

Thank you



Robert M. Tetraault, President

Att: Paul J Howard  
From: E. Thorbjornson  
Fax # 207-372-8584

JANUARY 28, 1997

RECEIVED

JAN 29 1998

TO THE MEMBERS OF THE FISHERIES MANAGEMENT COUNCIL:

MY NAME IS EDWARD THORBJORNSON. I AM A MEMBER OF THE MONKFISH ADVISORY COMMITTEE AND VICE-PRESIDENT OF THE MAINE FISHERMEN'S COOPERATIVE ASSOCIATION. CHARLES SAUNDERS, PRESIDENT OF MAINE FISHERMEN'S COOPERATIVE, ASSOCIATION IS IN AGREEMENT WITH THE FOLLOWING POINTS.

WE ARE WRITING THIS LETTER BECAUSE OF OUR CONCERN FOR THE NON-QUALIFYING VESSELS IN THE NORTHERN PART OF THE GULF OF MAINE WHEN AMENDMENT 9 GOES INTO EFFECT.

THE POINTS THAT WE WOULD LIKE TO BRING OUT ARE THAT MOST FISHERMEN BUYING VESSELS IN THE LAST FEW YEARS WERE UNDER THE ASSUMPTION THAT IF YOU BOUGHT A VESSEL WITH A MULTI-SPECIES PERMIT YOU WOULD QUALIFY FOR MONKFISH UNDER AMENDMENT 9 THERE ARE A NUMBER OF SMALLER VESSELS IN OUR AREAS NOW THAT WOULD FALL INTO THIS NON-QUALIFYING CATEGORY.

IN THE THIRTY FIVE YEARS OF OUR FISHING EXPERIENCE IN THE GULF OF MAINE, WE HAVE NOT FOUND ANY AREAS WHERE YOU DO NOT CATCH SOME MONKFISH.

WE ARE ASKING THE COUNCIL IF THEY WOULD PLEASE RECONSIDER THE 300 POUND LIMIT OR 25% OF THE FISH ON-BOARD FOR NON-QUALIFIERS. WE FEEL THAT THESE BOATS ARE TAKING THE BRUNT OF THE RESTRICTION IN OUR AREA. THEY WILL IN FACT BE FISHING BESIDE THE SAME SIZE BOATS AS THEMSELVES THAT WILL HAVE NO LIMIT. WE DO NOT FEEL THAT THROWING FISH OVERBOARD TO MAKE THE "NUMBERS COME OUT RIGHT" IS ACCEPTABLE.

WE WOULD LIKE TO HAVE THE COUNCIL CONSIDER A FOUR OR FIVE HUNDRED POUND DAILY LIMIT AND EXCLUDE THE 25% CLAUSE. THIS WOULD BE AN ALTERNATIVE THAT THEY CAN LIVE WITH.

THANK YOU,

*Edward Thorbjornson*

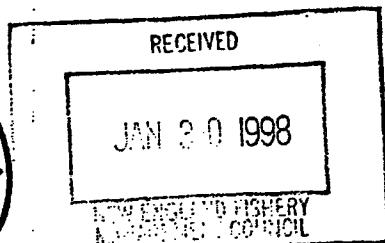
EDWARD THORBJORNSON  
VICE PRESIDENT, M.F.C.A.

*Charles Saunders*  
CHARLES SAUNDERS  
PRESIDENT, M.F.C.A.

CC: ERIC SMITH  
BARBARA STEVENSON  
PENN ESTABROOK, ACTING COMMISSIONER

cc: MF OCS  
CBK, ASA (2/2)





## OFFSHORE MARINERS' ASSOC., INC.

114 MacArthur Drive  
New Bedford, MA 02740-7277  
Tel. 990-1377

MONKFISH PUBLIC HEARING  
DAYS INN, FALL RIVER, MA  
THURSDAY, JANUARY 29, 1998 - 7:00P.M.

Mr. Chairman, members of the Fishery Management Council, Ladies and Gentlemen, Fishermen partners in this horrible situation called fisheries management.

Tonight is one of the first Public Hearings on the Monkfish Plan. It's taken a long time to get it here and a lot of changes as well. I have been to a lot of meetings as have many of you present here tonight.

The main thrust is that the fishermen, a few years ago, were told that Atlantic Cod, Haddock and Yellowtail Flounder were overfished and we had to get off their grounds and catch something else.

Many fishermen did just that, went to different areas to concentrate on other species including Monkfish.

As you moved to other grounds and other species, they too came under the management plans. It seems plans came as fast as the new species were accepted in the marketplace.

Now it's time for Monkfish to be managed, because it's overfished. That's true, but where do we go next and fish on what.

Tonight, I came to listen. I want you the Public to tell me and the Council where we fish next for what?

If you the public, can live with this Plan, fine, if not tell us why not.

I know what I would like to see.

More days allocated to the dragger fleet, this year. Fishing for Monkfish or any other Groundfish, all permits give the same number of days for everybody. If you don't use them all there's no harm to the resource. It takes Days at Sea to experiment with different changes to the gear. It takes Days at Sea to go and try to find other species not presently under management as Groundfish.

Now you can't try things because you can't waste the Days at Sea allocated to your multi-species permit.

I know I am off the subject but if Monkfish is going to be managed as it should be, we the fishermen and their representatives need some assistance also.

I know that you are prepared to do what's necessary to save the Monkfish but for God's sake, let's save the fishermen and his industry at the same time.

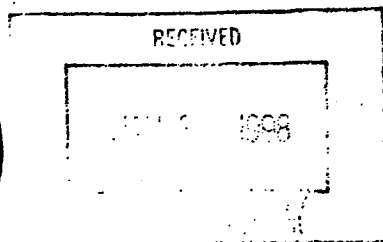
THANK YOU.

*Howard W. Nickerson*

HOWARD W. NICKERSON

EXECUTIVE DIRECTOR, OMA

HWN/CR



**OFFSHORE MARINERS' ASSOC., INC.**

114 MacArthur Drive  
New Bedford, MA 02740-7277  
Tel. 990-1377

January 30, 1998

TO: 617-565-8937

Mr. Paul J. Howard  
N.E. Fishery Management Council  
5 Broadway, Route 1, South  
Saugus, MA 01906-1036

Dear Paul:

Due to conditions beyond my control, I was unable to attend the Monkfish Public Hearing, Thursday evening January 29, 1998.

Enclosed is what I wanted to say and present to the Chairman for the record. Not momentous but after attending many Monkfish meetings as a member of the Public and one as an advisor(?) I have little left to advice or add to the Public Hearing.

However, Thursday afternoon the 29th of January, I had a very interesting meeting/discussion with one of our members, whose judgement I trust.

He has been a fishing captain for 38 years, mostly groundfish. He fishes Monkfish, off shore in the deep water to the Southward all winter. He does not get much per tow, 2 or 3 baskets of legal sized Monkfish and 2 or 3 baskets of Dabs, but after 7-9 days, he returns to port and gets a good price because of his quality and good size Monks and Dabs.

If they change the rules drastically and a lot of boats start chasing Monks and Dabs to the South, he will have to quit and move to another area and go back chasing Cod, Haddock and Yellowtail Flounder in order to make a living, he believes.

He does not use a liner and catch small (undersized) fish. He hates them that do and feels as I do that they should lose their permit. First offense 1 year, 2nd offense, much longer. He has been a fishing captain for 38 years and looks to the future with hope, plus he has had a lot of boardings but NO violations. His boat is always ship shape, no liners, and the U.S. Coast Guard is always welcome at the dock or at sea.

We at O.M.A. have many other Captain/Owners like him too.

Paul, the last meeting I went to on Monkfish prior to this Public Hearing, only 3 people were present from the Public/industry sector attended and one of them was a teacher collecting information for her class, came late, left early.

Respectfully,

Howard W. Nickerson  
Executive Director, OMA

3 pages are being faxed to you.

HWN/cr





1/17/98

Dear New England Fisheries Management Council,  
Since I shall be at sea fishing during the  
time of the monkfish public hearings I decided  
I had better write. I own and operate a  
scallop boat. We scallopers have to a large  
extent started the monkfish fishery. We  
started bringing them in when no one was  
very interested. Since implementation of the  
days at sea program in the present scallop  
plan our monkfishing has been greatly curtailed  
while many other methods of harvest have  
greatly increased. Next year we will be fishing  
about half the time that we normally did  
before the present scallop plan therefore our  
monkfishing has been halved. I feel that we  
have already done more than our share  
conserving monkfish. For us to throw dead  
monkfish overboard would serve no good  
purpose at all.

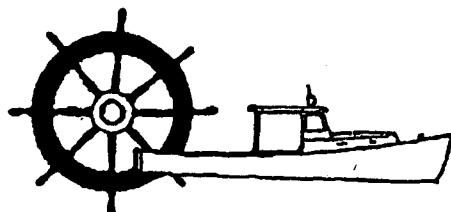
Sincerely, Arthur A. Ochse

Arthur A. Ochse  
owner, Skipper of the  
scalloper,  
Christian and Alexa

Arthur A. Ochse  
2 Muriel Place  
Manasquan, NJ 08736

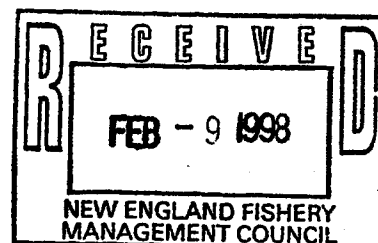
cc: AJA(1/23)





**NEW HAMPSHIRE  
COMMERCIAL FISHERMENS ASSOCIATION**  
P.O. BOX 601, RYE, NEW HAMPSHIRE 03870

Paul Howard, Executive Director  
N.E.F.M.C.  
5 Broadway  
Saugus, MA 01906



Re: Monkfish Public Hearing Document

Dear Paul,

This Association would like to submit its comments to Amendment 9 of the Northeast Multispecies Fishery Management Plan for Monkfish. As we recognize the difficulty and time it has taken in assembling the many concerns and different fisheries associated with the plan we as a primarily small boat association want to express our concerns in some areas that appear unbalanced and hope that these comments may be considered in the final document.

**Comments**

1) Pg. 2 - "Need For Management" - "Management measures to reduce the catch of *small* monkfish will help resolve the problem....needed to stop overfishing.

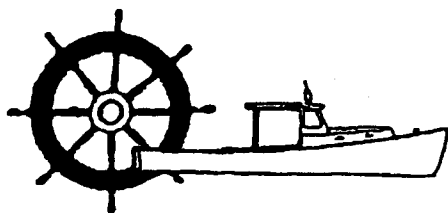
Comment: This initial statement makes logical sense in any fishery management scheme but is not well represented in the management measures of the document with the allowance two different sizes between the northern and southern ranges. This should be eliminated and the plan should reflect a standard size in both areas that best suits the needs of the resource and its rebuilding goals. It would simplify the plan tremendously from enforcement, administrative, reporting, and permitting perspectives and do more to protect monkfish even though of concerns of regulated discards.

2) Pg. 11 - Item 7 "Gear Restrictions" - "Vessels may not use sink gillnets with mesh larger than 8" diamond unless they qualify to target monkfish and are operating on a multispecies, scallop, or monkfish-only days at sea.

Comment: This is of great concern to this association for the vessels that have invested in large mesh gear to see that it would be not permitted if it didn't qualify. There are a number of other fisheries that mesh larger than 8" is used and to disqualify it under a monkfish plan would not be appropriate. We hope this section of the plan would be eliminated.

A) This is ultimately discriminatory to a gear sector in a multitude of areas and is in direct conflict to the initial statement of "the Council's intent is to manage

cc: MF of Is Ct (2/9)  
AJA, Council  
Per



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COMMERCIAL FISHERMENS ASSOCIATION**  
P.O. BOX 601, RYE, NEW HAMPSHIRE 03870

monkfish using the same management measures that control the harvest of other regulated groundfish".

**3) Pg. 11 - " B. Management measures for multispecies limited access vessels"**

**"1) Qualification criteria to be eligible to use multispecies days-at-sea to target monkfish"**

**Comment:** We are concerned with the qualification criteria and poundage requirements that have been used to differentiate a "qualifier" from a "non-qualifier".

**A) While it has been stated in some discussions and the document that this a liberal approach for qualification it is not necessarily true for small vessels that fish under windows of opportunity. When monkfish are within the operating range of these small vessels they do not have enough time and volume to accumulate the necessary landings for qualification, but are dependent on larger volumes than the "non-qualifier" criteria allows.**

**B) The qualification conditions gives a distinct advantage to scallop vessels that could meet the criteria under conditions of using gear smaller than the regulated groundfish mesh of that time.**

**C) Vessels that made effort shifts away from other groundfish in the later portion of the qualification period (Feb. 27, 1995) made considerable investment into the fishery but can not meet the qualification criteria. Is this fair?**

**D) It is the opinion of this Association that there should be adjustments in the qualification criteria. The following would be some suggestions.**

**a) A lowering of the qualification poundage.**

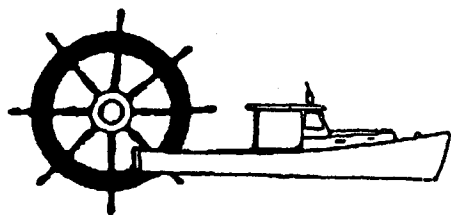
**b) A yearly minimum requirement for the qualification period.**

**Example: 7500#s divided by 4 = 1875#s. If a vessel landed 1875#s in any of the years of the qualification period it should meet the qualification criteria.**

**c) Create a category for vessels that have landings greater than "x" amount of pounds but less than 7500 and allow a trip limit greater than the current 300#s tail weight or equivalent whole weight.**

**4) Pg. 13 - "Trip Limits" - First Bullet "Vessels that do not qualify for monkfish limited access in the NFMA on a declared trip : 300#s tail weight (996#s whole weight per day at sea or 25% of total weight of fish onboard (whole or tail weight), which ever is less.**

**Comment:** This is an enforcement and fishermen's "at sea" nightmare. *If this is an acceptable bycatch for a non-qualifier why can't it be an acceptable target. Why force a vessel to catch other species to meet its bycatch allowance. Many "at sea" scenarios*



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P.O. BOX 601, RYE, NEW HAMPSHIRE 03870

can be stated here that would equate to regulated discards so as to maintain compliance. It makes no sense to put such constraints on "non-qualifiers" when a "qualifier" will have the ability to land monkfish at a "no limit" capability.

Suggestion: To get rid of the "25% of total weight on board (whole or tail weight) which ever is less" provision.

Additional comment: ARE THESE LANDING OR POSSESSION REQUIREMENTS? If it is a landing provision then there will be no at sea enforcement capability?

6) Pg. 12 - Item 4 "Seasonal Closures" "Multispecies vessels will be unable to target monkfish during their 20 block of time out of the multispecies fishery."

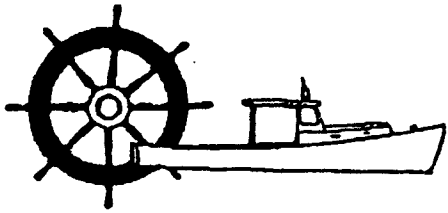
Comment: Have all current "exempted fishery" conditions been considered in stating "target" where "possession" would be a better term?

7) Pg. 12 - Item 5 "Net Limits and gear tagging requirements (Table 6)"  
The "Non-preferred" - "Vessels that do not declare into this Mid-Atlantic fishery will receive 160 net tags and must use one net tag on all groundfish and monkfish nets, but cannot use gillnets in the Mid-Atlantic regulated mesh area."

Comment: This definitely raises some question with regards to gear type equity conditions by prohibiting a gillnet vessel that has declared in the NFMA from fishing gillnets in the SFMA. There appears to be no other prohibitive condition like this for any other gear type in the document. Even though a "non-preferred" alternative we would hope it NOT be considered at all.

8) Pg. 13 - Item 6 - "Minimum Mesh" - "Trawl: 6 inches square or diamond while on a multispecies day at sea.

Comment: Why should a non-qualifier gillnet fishermen be prohibited from using mesh greater than 8" on a multispecies day at sea while a non-qualifier trawl fisherman be able to use mesh no smaller than 6" on a multispecies day at sea. There is a need for explanation or rationale when it gets to a target discussion. This means that a non-qualifying trawl vessel may conduct a target fishery with a 6" net as long as it stays within the "landing or possession" ??? regulations but a non-qualifying gillnet fishermen may not use mesh greater than 8" in any fashion be it a monk target or not?



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P.O. BOX 601, RYE, NEW HAMPSHIRE 03870

9)) Pg. 14 - Item 2 - "Annual Days at Sea" "Effective beginning in year 4" states "If monkfish limited access vessels are allocated days at sea, scallop vessels may target monkfish during a scallop day at sea, **WITH NO TRIP LIMIT**.....but must use large mesh (provision C-5).

**Comment:** This is somewhat confusing as there appears to be trip limits for "monkfish limited access vessels" in the beginning of year 4. Is this correct?

10) Pg. 15 - Item 4 - "Effective in years 1-3

**Comment:** Why are "non qualifying scallop vessels" NOT subject to the 25% provision as is the case with non qualifying multispecies vessels?

11) Pg. 17 - Item 5 - "Net limits and gear tagging requirements"- "Non-preferred"

**Comment:** Once again as mentioned previously we would hope that this provision is eliminated from the consideration.

12) Pg. 18) - F. "Monitoring and framework adjustment process" - Item 1 - "Framework adjustments will require at least one initial meeting and two final meetings (one in each area)

**Comment:** What does this exactly mean? Can the initial meeting take place in the Mid-Atlantic and a final meeting in New England which means that New England has the opportunity to participate in one official final meeting and vice versa?

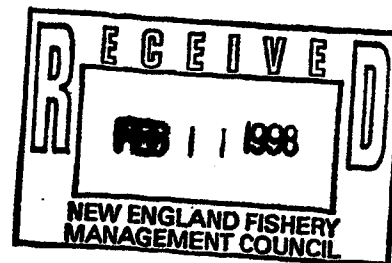
### **Conclusion**

While we have tried to provide the committee with some concerns in the "Public Hearing Document" our comments would hope to be considered constructive in creating a monkfish management plan that is fair and equitable. It is quite apparent that in this plan, as in others management plans already enacted, that allocation of the resource becomes the driving motivation of how to either protect or rebuild the species of concern. With this comes the fact that there will be fishermen that "will have" or "not have" equal access to the resource and we hope it is done with the considerations that are due to all fishermen.

**Respectfully,  
New Hampshire Commercial Fishermen's Association**

10

Armando M. Estudante  
1157 East Rodney French Blvd.  
New Bedford, MA 02744  
(508)994-7991, Fax 994-1138



Mr. Paul Howard  
Executive Director  
New England Fishery Management Council  
5 Broadway - Saugus, Ma 01906-1097

VIA FAX 617 565 8937

February 12, 1998

Subject: Comments to proposed Amendment 9 to the NE Multispecies F.M.P.

Dear Mr. Howard:

The regulations defined in this proposed Amendment are a great departure from the Council position one year ago. In my opinion, they go a long way to assure the rebuilding of the monkfish stocks while, at the same time, treating all fishermen more fairly. Therefore, I support the preferred criteria and alternatives. If there is no unforeseen loopholes I believe the stocks will recover in less than 10 years.

The "Examples for typical fishery categories" are very elucidative and they show that the Council made a serious effort to treat everybody fairly.

Still there are two scenarios in which the fishermen will be forced to practice wasteful discards that will represent considerable loss of income and will do no good to the resource (1 - John), or they will not know what to do (2 - Pedro).

1 - John, Toms cousin.

He has summer flounder landing permits for the states of Rhode Island, Virginia and North Carolina. During late winter and spring he targets summer flounder with 6" mesh in the South of New England Regulated Mesh Area and he lands it in one of the states whose permits he holds. He has been doing this since Amendment 5 came up. This way, he took pressure from George's Bank groundfish in the first years of A5 and complemented his lower groundfish yearly income after A7. Under the new regulations it seems that he will have to discard most of his monkfish by-catch. I think it would be more appropriate to let him keep as much monkfish (whole weight equivalent) as summer flounder. May be he would not mind to use 8" mesh, since it seems we are making real progress towards catching only large, mature fish (including summer flounder).

Let us keep in mind that the Amendment can be changed (adjusted) through Framework Adjustments. If the Exploitation Rate stays higher than the Overfishing Threshold all fishery categories would be subject to more restrictive measures.

cc: ASA  
Council (2/13)  
JechStarL. EXD

2 - Pedro, the New Bedford Fisherman - "he brings home the best in seafood".

Typical fishing trip to George's Bank:

Starts fishing around 41° 36'N, 68° 55'W, 80 fathoms. Works his way to East, between 60 and 110 fathoms, along the Northern Edge (a few cod, haddock, gray sole, dabs, lobsters, monks, hake, cats) with a few night tows on shallow water (skates, a few cod, blackbacks). Two or three days later, he is in the Northern Edge, on 67°21'W. He has fished statistical areas 521, 522, 561 and 562. He has legally kept his monktails 11" or longer. He steams to the South and sets out from 41° 10'N to the southward (SA 525) and works his way to the East, south of 41° N, to the Hague Line (SA 562). Then back to the West, to around 40° 50'N 67° 30'W (SA525). He caught a few more skates, monks, yellowtail, cod (in spring). I don't know what he did to the monktails between 11" and 14". He has been out for 7 days, so he starts to shorten his distance from home, steaming to around 40° 40'N 69° 55'W. He fishes this area for a couple of days scratting some more large yellowtails, a few cod, a few nice bull haddock, some skates and nice large monks. He gets home after a 10 to 12 days trip. He has adapted his fishing behavior to making the best use of his DAS, staying out long trips (no wasted time steaming to and from port), going around George's soft bottom grounds with minimal gear loss, and covering a vast fishing area. He fishes regularly, during the same trip, in the Northern and Southern Monkfish Management Areas, in shaded and clear Statistical Areas.

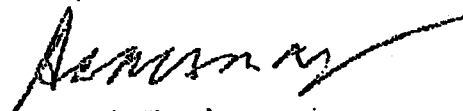
How is he and enforcement going to decide what size tails he should keep?

One compromise solution would be to make the North-South Monkfish Management Boundary to be coincident with the line that separates Gulf of Maine and George's Bank Regulated Mesh Area from South of New England Regulated Mesh Area. Actually, this would also keep our plotter screens a little bit less cluttered with Area boundaries.

I am confident that the Council will find a fair way of resolving this equation in a way that will not place an unfair burden on Pedro. Please, keep in mind that he his a naturalized American citizen that has more than normal difficulty in understanding all the (necessary) fishery regulations timely and a very hard time in figuring how proposed regulations will affect his future fishing behavior and conveying his concerns to the Council during the making of the regulations - this may be the reason the Council has created one more different boundary. However, in general, Pedro agrees that something has to be done to regulate the fisheries for him to keep his way of life.

Thank you for considering my comments.

Sincerely,



Armando Estudante